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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

REVIEW OF STANDING ORDERS

THURSDAY, JUNE 11, 1981



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breagh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Taylor, G. W. (Simcoe Centre PC)
Watson, A. N. (Chatham-Kent PC)

Substitution:

Barlow, W. W. (Cambridge PC) for Mr. Hodgson

Also taking part:

Wells, Hon. T. L., Minister of Intergovernmental Affairs

Clerk: Forsyth, S.

Research Officer: Eichmanis, J.



LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, June 11, 1981

The committee met at 10:15 a.m. in room No. 228.

REVIEW OF STANDING ORDERS

Mr. Chairman: Gentlemen, we will call the meeting to order.

In continuation of our consideration of standing orders relating to supply, more particularly estimates, last week we had Mr. Nixon and Mr. Martel give their opinions on how the procedure might be improved, so we are anxious to hear from you this morning, Mr. Wells.

Hon. Mr. Wells: Thank you very much, Mr. Chairman. I thought the best way would be to make a few general remarks and then probably engage in a dialogue on the matter.

I had a chance to look over quickly what my two colleagues, the House leaders of the other parties, had said. I notice neither of them took the same stance that I would take. I guess that is predictable and expected.

Having been on the other side of the table from most people here except yourself, Mr. Chairman, having been through something like 12 sets of estimates over the years, you get a feel for it from the minister's side.

I feel, somehow, that we have allotted too much time for estimates. I guess it is predictable that I would say that and you would expect me to say that. I would throw out for your consideration the fact that I think the figure we had pre-1977 was not an unrealistic figure. We were around 225 to 250 hours for considering estimates. We are now up to 450.

Given the type of debate that has ensued in estimates and the way the whole process has become a general review of ministry and government policy in each area, we are somehow missing the whole idea of what the estimates are as opposed to a general review. What that leads to is a consideration of all the committees and how the committees work; which of course is something the former chairman undertook, to rearrange things so you had a vehicle to consider problem issues and general government policy, but you also had a committee that really looked at the spending.

My view would be that there should be the time and the proper vehicle to consider the actual estimates, the allocation of money, where you talk more about whether there is enough or too little money, whether there are ways of economizing and saving money and whether increases are justified in certain ministries and so forth, rather than using the estimates as a vehicle to discuss every problem, not only of a policy nature but also having

to do with constituents, et cetera. I just do not happen to believe that the estimates are the time to do that.

What I would say is I think that we should look for some way of making the estimates themselves more related to the financial obligations and the budget of the government. The only way I can see to do that is by reducing the time to begin with, and then perhaps looking at the types of committees and how they are handled.

I notice the Camp commission recommended that about half the estimates should be done in committee of supply and the other half in some kind of standing committee. At the present time we are not--and I don't think we have been ever since we restructured the estimates--able to do anywhere near half the estimates in committee of supply. There just is not time the way the House business is scheduled now.

We use Monday afternoons and Friday mornings for estimates. We have been using Tuesday for legislation, Thursday afternoons for private members' bills and Thursday evenings for debate on special reports, et cetera. What that means is that public legislation, government legislation, has only twice as much time as private bills, estimates have two sessions, and we have a session of general debate.

I would be very hard pressed to find any time I could recommend to others that we could take away from what we are already doing in the House that we could use for estimates. In fact, given the way we see things going now, we are using estimates' time for legislation because there just is not enough time for government legislation in that one day a week that is available now.

If you accept the fact that there should be good and meaningful debates on legislation where necessary, it just is not possible to have those and get the kind of legislative program I think a government is likely going to be bringing forward through in one day a week; especially when you realize you have two sessions for government legislation and one for private members' bills. You are using only twice as much time for the government legislation.

10:20 a.m.

If you are asking my preference, my preference would be to try to move everything into some kind of a committee, except certain very general things like the estimates of the Premier, the Lieutenant Governor and some of the Legislative Assembly functions.

Mr. Chairman: You are aware of this committee's report last year, recommending a finance and economic affairs committee be established. As you suggest, that would deal with money matters, would deal with the actual spending and budgets of the various ministries. There would then possibly be a policy committee to deal with all the little things that we like to raise about situations back home and the annual report of a particular ministry.

Hon. Mr. Wells: Yes; I recall, and I looked over the report that was prepared, that there was the beginnings of an approach towards handling the estimates in that finance and economic affairs committee, but there were no suggestions of time limitations or anything else. The whole thing seemed kind of open-ended to me. The idea of the committee, and the idea of the other committee and so forth was there, but it seemed a little loose as to just how, in structuring the business, you would come to any conclusions.

I would have to say that I think we made progress in 1975 when we arrived at some way of at least putting some deadline, some time limits, on the estimates process. It was getting out of hand then in the sense that with no time limit, no hours, no ending, it just could keep going on and on and on.

If you are going to have no time limit, no end, then you have to have a little loosening of the rules in other areas so that you can sit a few nights--all night through to the morning. If people want to keep dragging things out, the government on the other hand can keep things rolling. You have to have the balances and checks on both sides.

Now you have the balances and checks to the extent that the sittings are all limited and it is an impossibility to extend a sitting without near unanimous consent, so the House adjourns at 10:30 in the evening sessions. I do not disagree with that. The productivity from late sessions is pretty limited. But if you are into a situation where somebody wants to thwart the passing of an estimate or legislation, it makes it difficult for someone on the other side to have a counterbalancing mechanism to keep things going.

Mr. Chairman: Assuming we are generally satisfied with 420 hours, we would have to allocate part of that time to each committee.

Hon. Mr. Wells: I just want to dissent from that. I am not generally satisfied with 420 hours. I am putting the position that I think that is too long. I do not think we have used 420 hours most of the time; I do not think we ever have. In other words, it could be tightened up a bit. If there were a package proposal to cut the estimates time--and I must commend the other parties and House leaders: in looking at the estimates this year we have come to some agreements where we have cut times.

Having set the times rigidly under the new rules and having announced them and published them in the Order Paper and so forth, there is no question in my mind that we then become so tied to those that we feel we have to spin everything out to fill those times. I have sat there as a minister and realized that we have two hours to go, there is nothing much we can do to fill the time, but no one wants to say, "We allotted too much time," and I do not blame them for that. So you get into discussing constituency problems, local stuff and so forth, which is fine to fill the time, but it takes time and it drags away from the whole idea of doing the estimates.

In setting the times and in doing it all so formally, perhaps we took the flexibility out. We made it seem as if you were not doing your job if you suggested, after having allotted 15 hours, you found you could do it all in 10, and you just did not feel that you should say, "We're finished," at the end of 10 hours. In fairness, at some point, sometimes in the last few years, people did say that. They finally said, "There is nothing more we can do with these estimates."

The other thing that has happened in some of the estimates, which is not necessarily related to time--and I don't know what the answer to it is because I don't think it is good for the whole House consideration--is that they become sort of a tripartite debate. In other words, there is the minister and two critics who have taken over and everybody else has drifted into the background. I do not know whether people were purposely told not to take part. It becomes, "We don't want anybody intruding; we are having a debate for the next five hours." I do not think the estimates were intended to be that way either. They should involve a number of people in the House as well.

Mr. G. W. Taylor: The other House leaders have gone into it and we have gone into it here. When we look at the recommendations of the other report--and much of what we do around here falls into the same category--we put a label on what we are doing and many times the label bears no resemblance to what is taking place.

For instance, the budget debate often has very little to do with the budget; estimates often have very little to do with the estimates, compared to what they should be doing, checking the spending habits. We find that it gets into a very long philosophical and policy debate.

There has been a recommendation by a previous membership on this particular committee to set up an alternative form. You have been through enough of them. Would it fall into the same category as we now have but would we then have just established another committee.

For instance, if you bring on your estimates--and say it is Education--and you are going to build five new buildings and that is in your documentation. How do I as a member, either opposition or government, disagree with that amount of money; is it enough or is it not enough? How do I challenge that? Do I tell you that you should be building 20 buildings instead of five, or no buildings? Or do I say, "Let me look at your contracts; I want to see how much you are paying for each item"? Then I could check to see whether you are building a quality building.

That is an overburdensome process for us as legislators. How could this be prevented from getting into a philosophical discussion as to the number of buildings when you are talking of estimates?

When you look at the final result of it, how do we trim that feature? The process is to not vote the money. Of course, that does not really take place. It sometimes works, it is sometimes threatened. But the sanctions in the committee are not there.

I get worried about the recommendation: Are we just setting up another committee that will do the same? We will have the estimates done; the policy in one committee and then have another one which is financial which will get back to the same feature.

Do you, in your long experience, think we are heading in the right direction? When you look at what takes place practically, will we back in the same position, only with another committee, doing the same thing? Can you offer any comment on that long question?

Hon. Mr. Wells: I was not in on the discussions that led up to the writing of this report. Maybe someone who was in on that could explain more the idea they had.

What you say can easily happen. It can just be another committee. Of course, around here we have just so many members and another committee has to be made up of people from the same membership. In other words, there are certain members who are not on committees now in some of the parties. But another committee just means, in some cases, recycling the same members into another committee with another hat and another role.

To that degree, it could become just another committee. It could be quite like the present committees that do estimates but I suppose the people who wrote this report saw it as a different type of committee.

10:30 a.m.

My point of view would be that the committee would look at all the various details of the estimates, but I would not envisage them getting into things like contracts and having that kind of scrutiny. That is an after-the-fact thing done by public accounts and they should do that in their wisdom where they want to do it. As far as the estimates are concerned, you are talking in broader terms of policies: so much money to build buildings, declining enrolment in schools, why you want more money to build more schools.

Mr. G. W. Taylor: You are suggesting to me too that inevitably it gets into just straight policy and not really estimates. It becomes a debate rather than estimates.

Hon. Mr. Wells: Everything is interwoven. It is pretty hard to separate. For instance, in there are areas like advertising, a ministry that does a lot of advertising has an advertising allocation in the estimates. Is that justified? Should that be in the estimates? You have justifications for travel, salary amounts and so forth.

Mr. Watson: The bottom line is the money.

Hon. Mr. Wells: Yes, but it is very difficult to separate the money from the policy, because, in essence, you are sometimes going to have to discuss, say: "In order to put this policy in, we have to do this. In order to make the changes in the fire inspection that we want to make, we are going to have to hire so many more people here, and we are going to have this increase in the budget to pay for these people." So you get into a policy

of whether those people should really be inspecting, I suppose. In that sense you are going to get into--

Mr. Chairman: In that situation I do not think they should get into a discussion as to whether or not those people should be hired. I think that is policy. It will take a certain amount of discipline, because there is no question that there is a very fine line and there will be more encroaching in the finance committee than there will be in the policy committee.

I can remember sitting through a whole series of estimates and nobody mentioning a dollar or a cent. It was strictly policy, "Why didn't you do this, that and the other thing?" The money part of it, the estimates, the figures in that book did not mean a thing. That was in Colleges and Universities. That is when Mr. Cassidy came down and gave his recitation in French and then wanted me to reply.

Hon. Mr. Wells: We have progressed greatly over the years in the amount of material that is presented in the estimates presentation. At one time there was nothing but the estimates and sometimes the previous year's, but very little information to do any comparative work. In other words, you had to do it all. Now we have progressed not only to having all the comparative work of most of it in the printed estimates, but the supplemental book that you get from the ministry gives you a lot more.

I used to begin by taking this year opposed to last year, increases in each of the allocations, percentage increases, why did this happen, why did it go up and down, why was that percentage an abnormal one. As the chairman said, there were very few times anybody asked for that particular information or was concerned about the percentage increase; maybe once or twice. But most of the time it dealt with policies that were going on in those particular branches and departments.

Mr. Epp: I can appreciate the comment that maybe people do not ask about the figures that are included in the budgets. But as one who has been on the other side from the minister, you will have to appreciate our frustration that we can ask questions on these things, but unless we are prepared in the final analysis to only vote \$1 for the minister or something of that nature, little can be done about it. Sometimes you are discussing the budget in December and most of it has already been spent. You cannot go very far.

Mr. G. W. Taylor: Fire those people retroactively.

Mr. Epp: Yes, retroactively. You cannot do anything with them.

So you can go after this item and you can ask the minister to justify it. In a sense, he can justify it and cover it up very well and justify it very rationally. But what can you do?

In my experience at the municipal end when we used to draw up budgets, they were drawn up at the beginning of the year and they were passed by the council at the beginning of the year, as

you know, sometime in March or April. That was it. You had input at that particular time. But I feel I have very little input.

Even if you want to defeat the budget in December, from an opposition standpoint, the year has gone by anyway. What can you really do? If you defeat the budget, you bring down the government, I suppose, at that point, but you really do not change those figures in the budget.

Mr. Breaugh: That was part of the problem when we went through this exercise. I felt that what was coming out from all sides was this frustration. Nobody really looks at dollars. Even on the government side, aside from the Treasurer, who knows all about dollars and cents and that stuff, there is nobody over there who gets a chance to say, "I want to express my opinion on how much money you are spending on health care or schools or whatever." The opportunity is not there and it never really is.

What we have is this big, generalized, vague, do-nothing approach which gives us all the latitude in the world, except that if you really want to do something, you cannot do it. In all of the estimates, there is no way that anybody in there on either side of the House can add money or delete money; it is not possible. You have the vehicle for a generalized discussion which can go on and on, but no real power to do anything.

So we tried to find little vehicles, a structure for a committee system, which would allow you to have some latitude for debate and would also allow you to really do something. I do not know whether that is an impossible task or not, but I think Tom hit on one of the problems and that is there is a bit of negotiation involved in this. The only weapon that anybody has here is time. Traditionally, in a parliament that is all you have. You cannot really do very much but you keep the place in action all night long, or you can talk out the estimates, or you can move guillotine motions or whatever.

Somehow we have to work our way through that restructuring so that people on all sides, ordinary members, get a chance to do something; because I find that a great frustration here. Many of us have been on school boards and public utilities commissions and municipal councils. There you have a chance in some sense to really direct funding, to establish priorities, to vote on things and to get your little kick at the cat.

It seems to me that here most of the members on both sides are wasted. They do not really get a chance to do anything constructive. If you are not in the cabinet, you ain't there. I suspect that even if you are in the cabinet--

For example, in Health, where over the last four or five years in social development committee there has been a select committee on health care costs come out of debates about funding for health care, referrals of annual reports, all vehicles to get at the problem, with not a great deal of success. I thought I sensed that everybody involved in the process, including the minister, was in general agreement that the priorities were wrong. But you really could not do anything. We went through a select committee and the standing committee dealt with the matter for

more than a year. Then, all of a sudden, the Treasurer announces through the Globe and Mail that more money is available. Well, you can see a connection but it is a very vague connection. I think we simply tried to say: "Let's find vehicles that allow us to do that. Let's negotiate our way through the process so that each ordinary member has a role to play and a vehicle which allows him or her to play that role."

10:40 a.m.

I know that there really is not an allocation of time in there; but I am not sure that we could really do that. For example, the current situation is we agreed to shorten the time of the estimates. But judging from the first set that I have been through, I would not say that anybody was happy with the result of that. We did reduce the number of hours, but I see an immense amount of frustration coming up on all sides.

I do not think the answer is to spend less time on it. There is not the vehicle to accomplish what members on all sides want to accomplish. It does not really matter whether it happens in two hours or 20 hours, the same frustration is going to be there.

You have to take what we put together as a report on committees and say, "That is the structure by which we are going to move towards some changing system;" and we then work our way slowly, by consensus, through that. I think that is possible, but I would also admit that I do not know of another parliament which has resolved these problems very well either. A lot of them have tried to change.

Hon. Mr. Wells: Just to follow up what Mike said: I think he is right in his last statement; I do not know either of another parliament that has resolved it.

Under our system you are stuck with certain absolutes. One of those absolutes is that if the spending estimates, as I understand it, are changed, it becomes a matter of confidence. So you do not have any choice; even if we wanted to--which I would not be prepared to say we do--you do not have any choice. If changes are made, it is confidence and you assume the government no longer has the confidence of the House.

Mr. Chairman: Unless there is some agreement, which is highly unlikely. The minister could say, "Yes, you're right; I am taking another look at this figure and maybe we can knock off half a million dollars."

Hon. Mr. Wells: In context, he would not do that there, he would take it as a commitment to do it for some future estimates that he prepared.

Of course, it is easy to have this analogy with the school boards and councils, that we have all been through. The analogy there is that we do through that process around here before it comes into the House in terms of estimates. You may think, and we may think, that going before the estimates committee, that the consideration there is tough: it ain't nothing compared to what we go through with the Management Board of Cabinet and our own

ministries around here. That is where you do that nickel and diming, cutting and shifting there and meeting various expenditures in the allocation you have and so forth.

As the chairman knows, we go around on these matters for nearly six months before estimates are finally printed. Of course at that time they represent the product of that careful scrutiny, plus the policies the government is enunciating. Then, I guess, it becomes a matter of confidence.

Mr. Breaugh: That's the point we tried to get at. For the ordinary member, there is a traditional role; but it is not clear, it is not a function that one performs. That is essentially what we were trying to do: without messing around with the responsibilities of cabinet or of the government, we tried to build a satisfying, sensible role for an ordinary member from any party to play.

I am sure that every government member and every opposition member spends a lot of the day sitting somewhere, and you really have to stretch it to convince yourself you are doing something sensible by sitting there; whether that is in the House because it is your turn to do the shift, or whether that is in committee where you are not sure why you are there--and most of the time you are not there unless the whip nails you. We are trying to work that role around.

You take a look at 125 members; at least 75 or 80 of the members do not have cabinet responsibilities. What do you do with all those people? It just did not make sense to us that they would retain that old role.

In the old days--not that old, 10 years ago--people did not come down here every day. You came to the parliament, when it sat, for short periods of time. You did your little thing and away you went, back to the riding for the other eight months of the year. It is not like that any more. We are trying to evolve a slightly different system of a parliament.

Mr. Chairman: Do you think it might be an idea that some time in the next few weeks, or certainly over the summer, if staff could give us an idea, sort of a dry run, on how a committee like a finance committee or a policy committee would work? In other words, is there some way we can put together some terms of reference, what staff would be needed and what would be the main objective of that committee as compared that of the present standing committees dealing with estimates?

As I have said, there is no question it is a very fine line, but I would not be concerned that the policy committee would overlap into financial discussions, because the estimate committee does not do that very much now. What I would worry about in the policy committee is how to structure it, how to maintain a certain amount of interest, particularly from the point of view of government members on that committee.

I realize the basis of the discussion in that committee would be the annual report on a particular ministry, which

sometimes is not too up to date, unfortunately, unless you are meeting fairly late in the year; but I would assume that would only be a basis, there is enough information as to what goes in the House from the point of view of legislation and other policy matters that could be brought to the committee and could be put on the agenda at the request of a member.

Although your report deals with that to some extent, Mr. Breagh--the *raison d'être* or the purpose of finance vis-à-vis another committee--it might be an idea for our staff, as a result of our discussions in the last few weeks, to set up some indication of how a committee would work, how it would be structured and how the chairman could make sure the finance committee is dealing with dollars and cents, but at the same time not inhibiting the members from the point of view of saying, using your example, "Well it seems silly that you are spending X million dollars more this year to build those schools in that area when you have a declining enrolment or when there are other adequate facilities;" something like that.

You are mixing a bit of policy, it is not completely separate by any means; but we just have to play that by ear and use our experience to keep within the terms of reference of, for example the finance committee.

Mr. Breagh: That might be a useful idea. We had thought the best we could do is put together the package; to indicate that basically, in principle, these would be the kinds of things we would like to do. I still think it is important that at some point in time everybody else around here at least gets the chance to say their piece about that.

I have not heard anyone express violent opposition to any of the principles in there. Most of the concern centres around the detail of how many hours should be allocated, exactly what the committee would do and how it should go about it. I would still like, at some point in time, to test the waters, to see whether there really is big opposition from anybody on moving in that direction.

If I had the kind of consensus that we were at least on the right track in our discussion, then it would make good sense, perhaps even informally, to try to go through the detail work; beef up the framework, answer the questions people have raised and see if we can get consensus there on how that restructuring might actually happen. Maybe we could even proceed to the point where you try it on for size.

Our biggest concern was that you give up a lot by going to that kind of system, but you may get a great deal in return as well. Everybody might come out of it feeling a little more useful around here.

But it is a big jump. What do you do: do you jump off the cliff and throw everything out and put in another structure; or do you try to work your way into it? I think I would opt for working into it in some way.

10:50 a.m.

Mr. Chairman: In our discussion last week, Mr. Wells, the suggestion was that we do not really change the standing orders but we use the mechanism of the present committees to deal for a period of time with financial or economic matters, and for another period of time to deal strictly with policy, to see how it works.

Now I realize that for the most part you may have the same people dealing with both matters, but if the time allocation--for example if we came back early in March 1982, that is probably at least a month or six weeks before a budget and before we get into estimates, although I realize you have some earlier than the actual budget date, then you could start on policy immediately after the throne speech, and the throne speech could be the subject of discussion itself as far as policy is concerned.

As Mr. Breaugh says, we could test the waters, see if it can be done. If it is a success, we could then consider changing the standing orders and setting up two separate committees.

Hon. Mr. Wells: I think that is a reasonable idea. I do not think you would want to get into a formal changing of the standing orders until you have tried something out. Most people in the House would view that as a proper way to approach it. I think that is what we did with the new standing orders, we tried them out for a while until they were confirmed.

There are a couple of other things I would suggest the committee might like to look at. Someone raised the idea of the budget debate. You can make a case for having that wound up much quicker than we have traditionally done. In other words, instead of just stringing it out until the end of the session, maybe it should be like the throne debate; within a certain time after the budget, as they do in Ottawa, you have the votes on the debate within eight days or something after the budget, so that you have a chance to debate the budget in that context and have your confidence motions and get those wound up.

I suppose the only thing then is to consider what happens if you want to have some other kind of debate during the session. Maybe there are other procedures that could be looked at that would allow for things to take place for the rest of the session where people could talk--

Mr. Chairman: The big thing there is the usual speech by a private member, whether it is dealing with a throne speech or dealing with a budget, where he gets his two cents' worth in and congratulates the Speaker, then moves from there for about an hour or so, talking about everything that is bothering him. There is not much difference between the throne and budget debates, although he talks a little bit about the budget.

If you cut that off, say by the end of June, what the hell's left? Some legislation?

Mr. G. W. Taylor: Some private members' bills.

Hon. Mr. Wells: You have the confidence motions, which are there now; three and two in a session. Maybe there are some procedures, such as opposition days or something, that could be looked at that would allow for debates to take place at various times.

Mr. Chairman: How about capital punishment or something?

Hon. Mr. Wells: But don't forget we also have the Thursday evenings. That part allows for a variety of debates that the House leaders arrange on different reports of interest. So there is opportunity practically every Thursday the House is sitting to arrange some kind of debate.

Mr. G. W. Taylor: Also Mondays and Fridays get into that category at times.

Hon. Mr. Wells: They do, except as I say, I think for the foreseeable future working some of the estimates in on the Mondays and Fridays for legislation, it becomes more difficult; but they could be worked in.

Mr. Breaugh: There are a number of occasions when the consensus is in that--for example, I really think it is important that some vehicle remain for the member to get up and do his hour on his constituency. We listen to all the maiden speeches by new members. I think it is important that tradition be maintained in some fashion; but I would say that you need one vehicle to do that. You do not need three, as long as you retain in some form the opportunity for the new member for wherever to get and say: "This is what life is like in Elgin county and these are our big concerns. This is what the folks back home are talking about." That has to stay, but I do not need to keep a budget debate going from March until December in order to do that.

Mr. G. W. Taylor: Particularly when all the legislation carrying out the budget is passed by June.

Mr. Breaugh: Yes. If you cleared up the estimates stuff in committee. Quite frankly, I think it is nuts that we come in here and spend maybe one or two portions of time during the week doing legislation. I have seen it in here--and it must be awkward for everybody on all sides--when there are big, pressing pieces of legislation which everybody agrees we really want to get at, but we are doing a budget debate because that is what is there.

Then, all of a sudden, near the end of a session with legislation everybody agrees is important and ought to be argued at great length, the House leaders get together and say: "Gee, we have to get out of here by Friday. We have to do three bills tonight and everybody is going to get 20 minutes." I do not think that makes a lot of sense.

I think there is lots there in terms of allocating time which can be cut away. But in order to do that, we are going to have to get specific about certain things.

Mr. G. W. Taylor: You were talking about time, Mr.

Breaugh. I was following Mr. Wells's lead and I was trying to put down from memory on what days we do different things. We really reduce it if we just using Tuesday. On a normal Tuesday as a legislative day, we will get roughly five and a half hours, less any longevity in the question period or statements. That is five and a half hours a week for government legislation. It is not very much when you look at the other delineations.

We could take private members' hour and have roughly three hours, again given those same variations in the length of question period. We have four hours of question period, if we want to say that that is another debate time or another raising of issues by the opposition, and roughly possibly 22 1/2 hours of committee time, given anything we want in those committee days. So the amount of committee time exceeds greatly that for general government bills, if we look upon it as a legislative operation here.

The other time frames do not stack up if we are looking at the time available for general debate on government legislation, while possibly the greatest debate should be on those pieces of legislation that are going to be put forward. That then is also taking the possible Monday afternoon, Thursday evening and Friday, which we can use for general debate days on reports and other issues. If we fill them up with legislation, yes, we have more time, but they are not generally used for legislative time periods.

There should be a rearrangement of the time allocation to get more time to debate government legislation without losing the general period of time when any issue may be raised. We could maybe use Monday afternoons, which is not a highly volatile day with a lot of excessive attendance; maybe that is the day. Each Monday the place opens up, and that is the day for any member to come down. Call it beef day, debate day, or whatever you want, but the Monday time frame is used for what we might normally label throne and budget debate that goes on all year. Maybe that is the time to use for raising issues in one's own riding, one's own concerns or general discussion in rotation.

Mr. Chairman: Is there any concern in your mind about the fact that if we reduce the time period for budget debate, assuming that most of that would go on during the spring period, you would have difficulty getting government legislation through during that period? Something is going to suffer if you do not allow, as at the present time, budget debate to continue until the middle of December. If you bring it up, say, until June or the end of October, there is some squeezing going on. I just wonder what would be suffering.

Hon. Mr. Wells: Yes, that is a possibility because we would be having the two debates with a time framework imposed upon them in the spring-summer session if we took practically everything else off the agenda and did the throne debate right through and finished it off.

11 a.m.

Of course, that has to be done before we bring in a budget.

If we set eight days for the budget, we might find ourselves in the same problem, although if we worked out a vehicle to handle the other kind of debate, I think we could do it. I do not think it would be an impediment if we set eight days for budget debate.

My view would be that if we could work out some other kind of vehicle that could be used, we could then have what in essence would truly be a budget debate. In other words, the budget has been presented and everybody has his say on it. Then we have the confidence votes within, say, eight days after. We really took at least two or three days this year right away to get some of the major speeches in in the beginning; so we would just be adding another four or five days. I think we could manage that.

Mr. G. W. Taylor: It depends on which contentious part of the budget becomes legislation. We are really duplicating the debate--one on the budget general principles, but then again on each piece of legislation.

Mr. Charlton: That is true to a degree, but the problem with assuming that that is totally true is when we are debating the bills. If the Speaker or Deputy Speaker is doing his job properly, he is going to restrict one to the content of the bill. What we are getting at now in the discussion is that in an eight-day debate around the budget we want real budget speeches from the leaders, the Treasury critics and the Revenue critics, discussing the overall impact, both economic and social, of the budget package. That is what we would be striving for if we went to some kind of process as you suggested to deal with all the rest of what goes on in budget debate currently--talking about one's local riding and so on.

If we have some other apparatus to deal with those aspects of members' concerns, then we can deal with the budget debate as a debate around that specific package of proposals. The debate on the individual legislation is somewhat more restricted in terms of the specific content of a bill. I do not think we can replace a budget debate with the specific debate on a bill, simply because the debate on the bill is so restrictive.

Mr. G. W. Taylor: I agree. That is why I say that makes it even more emphatic that we reduce the budget time and keep people within the budgetary concerns when they are dealing with budgets and offer an alternative time for the general discussion on one's riding. If we telescope the budget debate down to a particular time, then with the opportunity to discuss the particular bills we have it in the area we should be concerned with, namely, that of the monetary and economic policies of the government.

Hon. Mr. Wells: I just thought I would tell you that I did a little mathematical figuring about times because sometimes we worry about whether the House is sitting long enough or not. It is not fair to say that the business of this House has been limited, certainly in recent years when we have had the committee sittings.

If we take the committee sittings that occur over the winter and the summer breaks, in the figuring I did I would submit that it would be about the equivalent of five to eight weeks of House time. We could really say that if we added that all together, we are doing the equivalent of meeting from February 15 to June 30 and from September 1 to December 15, if we take it all and relate it.

In other words, if we met in those time periods and did nothing in the recesses, rather than the way we do it now--shorter House times, but committees meeting winter and summer--we would accomplish about the same amount of business. In fact, the House has been working at a pretty good capacity in the last while. I suppose a lot of the very productive committee work gets done winter and summer when the House is not sitting.

Mr. Chairman: Mr. Martel felt that the House should sit longer. I can remember one year we sat eight months. We finished about July 20 and were back after Labour Day?

Hon. Mr. Wells: My personal feeling is that we should do away with this idea of the House sitting and the House not sitting and look at the times when we are doing business, either with the House and committees sitting or the committees sitting. The business of the House is still going on. Even though the House is not sitting, the committees are all sitting during the week. I think we should view it in that light and find out what is the best balance.

The reason I mention that is that leads you, in your consideration of estimates and policy committees, to look at this whole matter again in order to consider that they are interrelated, because none of the estimates gets done any time when the House isn't sitting and all the policy matters and other things can be done by committees when the House is not sitting. This is, in fact, what happens.

The one other thing you should throw into the mix, Mr. Chairman, is something that you and I would remember and maybe no one else would remember. In the 1960s practically every piece of legislation went to committee. We now have it the other way around, where it is the exception that a bill goes to committee. That is for a variety of reasons, some good and some bad. The major pieces go to committee, but the committee process has become a very lengthy one; so the tendency for the minister is not to want a bill to go to committee if he would like to get it moving ahead fairly quickly.

Of course, that was not the way in the 1960s; every bill went to committee. I would say the majority of the bills got out of committee in a day, but they did go down to a committee where, in a more informal setting, the members from all parties had a chance to look at the sections and debate them. If some people wanted to come in from the outside, they could make presentations, just the way we handle the private members' bills now. Every bill went down and then it came back up. But all the bills did not get down there for public hearings or to be out for maybe a month or

two months. The process allowed for a more informal discussion on policy concerning that bill.

I suppose that is the kind of thing that led you to suggest a special committee for each piece of legislation. I do not know whether you were thinking that all bills would go down to committee or not.

Mr. Breaugh: No.

Mr. Chairman: Now we have a cabinet committee on legislation. Whether that replaced that process or not, I do not know, but that is strictly a government body.

Hon. Mr. Wells: I have a meeting of the House leaders if I could be excused now. I would be happy to come back at any other time to discuss this.

Mr. Chairman: Thank you very much. We have a good idea how you feel and we have a good consensus now of all the House leaders. Although there is not that much agreement, I think we can get into a general discussion after Mr. Wells leaves about any comments any of the members might have arising from his attendance.

You have raised the question of these committees and also the timing for budget debate. If there is anything else you can think of and feel we should look at over the next few weeks, send us a note.

Hon. Mr. Wells: Is this committee taking a general look at standing orders to see if there are any things that should be considered?

Mr. Chairman: Right.

Hon. Mr. Wells: What I might do is send you a little note about some of the things I think it might be good if you could look at, the ones we would suggest. You can do that in your own time frame.

Mr. Chairman: One of the comments made was that we would have staff indicate a dry run on how these committees would work. If we go along with the suggestion, as Mr. Breaugh has said, we should move into this slowly but we do something definitely--at least make some definite representation based on the submissions of the three House leaders and our own discussion. I would like to see, and I am sure you all feel the same way, some change implemented for next year.

11:10 a.m.

I am sure everybody gets to the point where they are tired of reports and recommendations not being acted upon. I think we have really flogged this point. There is a general consensus that something has to be done, changes have to be made. Let us think about recommendations coming out of this committee in the early fall so that, assuming they are accepted, they could be implemented and in place for the 1982-83 fiscal year or certainly the next session of the House in 1982.

There just has to be some improvement. We talked about the time this morning and we also talked about the question of the budget debate. That is not entirely related to what we are talking about here, as far as estimates are concerned, but I would like to see us put together some definite recommendations that are not that controversial and, as I mentioned, have our staff here indicate, from a structural point of view, how the the committee could deal, if that is the way we are going to go, with a certain period for financial and economic matters and a certain period for policy.

Is there any comment on that? Does that seem to make some sense?

Mr. Breaugh: That is the kind of thing I would like to see us do. I believe there is a consensus that the report, as far as it went, is acceptable--that is the mildest word I could use--to everybody. What we now need to do is to try to flesh that out to give people a more specific idea of exactly how it would function.

Maybe it would be a useful exercise to get Mr. Eichmanis and Mr. Forsyth do some of that work, put it in front of the committee and then maybe in the fall try it on for size with one of the standing committees just to see how that would function. Then we might have some experience to base an opinion on for implementation next year. I think we could do that and I think it would be useful. I do not see it as a threatening exercise to anybody.

Mr. Chairman: From the point of view of time, the standing orders now allow for a total of 420 hours. If we can reduce that, fine, but I do not think we should get into a great hassle about it. If we are going to split the work of the committee into these two areas, I think we are going to have, at some point, to decide how much time should be allocated to each area.

If we come up with 400 or 380 instead of 420, fine. But if we come up with 420 again, I do not think that is a big issue. It is important that we make some decisions on which committee or which of these two areas. We may feel like giving equal time to each, or that one should have a little more time than the other. But if we can reduce the time, particularly in light of other suggestions regarding budget debate, that is fine, although this is something that is in committee and the other is mainly in the House.

Mr. Watson: Mr. Chairman, are we going to get any farther down. My experiences is rather limited, but one of the things that bothers me about some of the estimates is the number and, I will call it, waste of staff that show up for estimates when they are never used. In some committees, the minister agrees with the critics that on certain days they will do certain things so that they can have appropriate staff there for that time. That seems to make a lot of sense.

Others seem to bring the whole entourage, never knowing what is going to on. I feel there are people who are rather well paid for doing things other than warming a chair in a committee room, and that is about what they do while all of us go on and just happen to say, "We will talk about this and we will not talk about that."

I do not know what we can do about scheduling, if you want to put it that way, in committees, or whether that is our job. But it is one of the criticisms I would have of the way the committees have operated in the past. We, as legislators, are saying the civil service people should be efficient, and yet we might have 25 people all sitting here ready to answer a question and none of them is ever asked anything. I do not know how many people back up from that sitting at offices beside the telephone.

Mr. Chairman: I think that is a responsibility of the parliamentary assistant. He should make sure that everybody is back on the job that ain't needed here. Seriously, as you know, it is pretty well the minister and the deputy minister who controls that.

I know when I was minister I was concerned about the number of people who turned up, particularly on the first day. But then when you think of it, the minister is making a statement, sort of reviewing the programs of the year and also indicating why he needs this money to carry on these programs or to expand them or for new programs. If the minister spends half an hour or three quarters of an hour reading an opening statement, that is of some benefit, generally, to that staff. Then, also, the replies from the two opposition critics sometimes benefit the staff.

The problem is is when they continue to be there day after day when we are on one particular item that is not related to them at all. That, to me, is just a question of administration by the particular ministry and the proper allocation of manpower, shall we say.

Mr. Watson: I agree. It is a question of whether there should be any direction or whether it should be left to the ministries. Anytime in the estimates in the past that was requested, I think there was agreement. Harry Parrott was one who would say: "I can have my engineering staff here one day or water resources people another day. Will that be all right?" If we needed more time, that was fine. But it was not necessary to have, as do some ministries which will remain nameless, their high-priced help here for the whole thing. I thought it was a terrible waste of talent.

Mr. Breaugh: That is a good example of what is wrong with our current system. We set it up in extremely general terms. The minister walks in and does not have a clue where that committee is going or when it might deal with a piece of business; so the safety mechanism is everybody shows up. You are prepared for any emergency and have the papers for it.

It is common now in the estimates, believe it or not, to see there a low level staff person whose job is solely to lug the documents into the room. They lug it in and it is like moving day. If it gets any more, you are going to be into hiring commercial movers to bring the documents into the committee room. They will sit around at time and a half and no one will ever ask the questions that require the documents, so they will store them there. Then they move them back out again.

If we move to a system where we know in advance what the committee wants to do, what it wants to spend its time on--in other words, basically how it is going to order its business--from an opposition point of view, there is a disadvantage to that. You are playing your hand in advance. The problem with that, of course, is that I, for one, I have no personal staff to do that kind of work at all.

If you are asking me, as an opposition critic, to line up what I want to cover in the estimates and when, I would have to have the kind of staff resources that, say, a minister would have. I would need some research person who could say: "These are the things we want to question. These are the kind of questions we want to ask. This is the kind of documentation we want. This is our package for this set of estimates."

11:20 a.m.

We decide three or four weeks in advance of the estimates what we want. We come into the committee and say this is what we want to do. The minister has a chance to line up his staff, and so the only people there are the ones who are going to be involved in the process. There is no need to have everybody on deck.

That is where the package part of the process comes in. If I do not have anybody to do that kind of work for me, and I do not now, I cannot move to that system. If I have the research person on my staff to line that work up--and the minister has the people on his staff obviously now to do that--we are in business and we can function in that way. But we need the ingredients before the mix will work

Mr. Charlton: I do not think any of us disagrees with what Mr. Watson was getting at. In estimates, there are all kinds of people from the ministry sitting around who perhaps never get called upon and never get used. Just to express to you, Mr. Watson and other new members who are here the kind of thing an opposition critic goes through in terms of estimates, opposition critics do some preparatory work. They sometimes spend two or three weeks preparing their opening statement and latching on to two or three items they wish to raise.

Because the member also has other obligations with other committees, in the House, in the riding and so on, a lot of what happens in estimates is done on the wing because something that gets said by the minister in his opening statement or by one of the staff people when responding to a question clicks into something the member decides to go after three days later. Quite

often we find ourselves in the position of winging it for a substantial part of the estimates because we have not had time to go through everything relating to our portfolio as critic and deciding precisely everything we want to raise in those estimates.

Mr. Breaugh can correct me if I am wrong, but I think what he was suggesting that we try this fall on an experimental basis, perhaps with one committee, is to sit down and talk to that committee about making some decisions ahead of time about taking its estimates time and splitting it into a financial discussion of a certain number of hours and a policy discussion, allowing the critics to decide the areas of policy on which they would like to have some fairly wide-ranging policy discussion and setting an agenda in that way.

If we were to take a ministry that has 20 hours of estimates at present and split them, say, six hours for general financial discussion of the ministry estimates and 14 hours of policy discussion, then the minister, instead of having his whole staff there for the 20 hours, perhaps would have his whole staff there for the six hours to deal with questions of finance that may come up.

But from that point on, we have set an agenda. The Liberal critic and any Liberal caucus member who wishes to participate in the policy discussion would inform the chair of the areas in which they want to get involved. The minister brings along the appropriate staff. The NDP critic does the same. And any Conservative member who wishes to raise a policy matter with the ministry can also do likewise. There is no guarantee that it is going to work, but at least it allows us to set some kind of an agenda approach to that ministry.

Mr. Watson: I do not disagree with you, but I hope we would not get bound into a system which would not work in all ministries because they obviously vary. For instance, if we took Transportation and Communications, your critics would likely be speaking to licensing--demerits and things like that. But we have members and you have members who, when we are talking about contracts on various roads, want to be here because it affects their ridings. They want to be here when that discussion is going on to ask why a certain bridge at a certain place is not being fixed.

They want the opportunity, because it affects their riding, to be here when that discussion is going on, to say, for example, "Why aren't you fixing a certain bridge in a certain place?" It gets pretty specific sometimes, but it affects them as an individual. We have policies--and I think of the demerit things--where it really does not matter where you live in Ontario; you are going to be affected by the same policy. But we have to be careful not to freeze out those discussions on topics that individual members want, regardless of their political affiliation.

Mr. Rotenberg: Mr. Chairman, it goes further than that. From a government member's point of view I can buy what Mr. Charlton has said, but I wonder whether the opposition will really accept that sort of thing and whether it would work. I think one

thing he said is the guts of the whole thing. It was, "From time to time members just wing it. Somebody says something which triggers something else."

No matter what section of a ministry you happen to have set as your agenda, something is going to trigger and some member is going to ask a question about something that is in a different part of the ministry because it is going to be interrelated somehow, unless you are going to decide in advance that anything other than that particular section of the ministry is not going to be discussed. Take Transportation and Communications, as Mr. Watson just did. If you are talking only about licensing, you simply cannot get into road construction that day, and any questions about it are going to be out of order, that is, if you can go that far.

That is easy, between licensing and construction, but there are some ministries where the line between various sections is pretty fussy. Unless the opposition members are willing, in effect, to restrict themselves, the minister for self-protection is going to have all of those bodies there anyway because, no matter what is on the agenda for that day, something else is going to be related and something else is going to come up. The minister is going to look, maybe in his own mind, a little bit silly in saying: "Hey, you can't ask that question. It is out of order today. My staff isn't here." Because the minister is supposed to know everything about his ministry, he is going to want to cover himself by having the people there anyway.

If what you are suggesting is going to happen, from our point of view it is great. From a minister's point of view it is great. But the opposition parties have to say to themselves: "We're going to restrict ourselves and we're going to cut off our rights to have a wide-ranging discussion on Tuesday or Thursday afternoon. We are going to restrict ourselves to only this one compartment of the ministry and we are going to exercise self-discipline. Anything else in that ministry is out of order."

If you want to go that far, it does restrict what you are doing.

Mr. Charlton: If I could just come back--

Mr. Rotenberg: We shall come back to it some time later. Even if you have six hours of free-wheeling financial discussion, and then go into only licensing in Transportation and Communications, or get into Community and Social Services, where the lines are a lot fuzzier, and say, "We are only going to talk today about day care," then you get into a day care discussion, you get into subsidies, what a mother would get if she is on or off welfare. You are going to wander off day care, no matter how hard you try not to.

If you are prepared to restrict yourselves and say to that Minister of Community and Social Services, "This is all we are going to discuss, and everything else is out of order," it might work. But you are putting an awful lot of constraint upon

yourselves because the things that trigger and the things that come up that you want to ask about which are logical sequences in questioning a minister about policy, even though you are restricted only to day care, by the time you come around to next Tuesday it just does not fit any more.

I really am a little hesitant. From my point of view, it is good because you are cutting yourselves off and your rights as opposition critics.

Mr. Charlton: But are we really? My sense of what I am talking about--and there is no question that there are going to be some problems-- and what we attempted to deal with in the committee report on committees was the idea that the committee and its members will set the agenda.

Mr. Rotenberg: Look, I am quite happy, as long as you understand what you are doing to yourselves and are prepared to try it, I think it is a good idea.

Mr. Charlton: You are talking about things in a ministry which interrelate. It depends upon how you define the policy discussion you are going to have. For example, you mentioned Community and Social Services. You want to debate with the minister whether or not this aspect of his ministry is being overemphasized to the detriment of that aspect of it. That covers two areas. But as long as you define that in what you are putting on the floor--

Mr. Rotenberg: But there is a third aspect that may be related, and you are cutting yourself off from that. I do not mind as long as you are happy.

11:30 a.m.

Mr. Breaugh: This is an interesting point to deal with. Mr. Rotenberg is quite right. What I am giving up is the opportunity to ambush. In a free-wheeling discussion, if the minister happens to stumble something out of his mouth, then I can jump all over him. I think most members who have been here for a year or so will know enough about almost any ministry out there that they could walk in totally unprepared, sit down and give somebody hell about something. You would be a very poor member indeed on either side if you did not have that ability because when you go home, that is exactly what you do every day.

What we are saying, I think, is simply that we are prepared to yield some of that stuff. In some of my experiences here, for example, in social development, we have done precisely that. We have struck a little steering committee. They go off into a room and say, "We want to deal with these five things." Then somebody else says, "Yes, and I have got one more and I have got another thing." So we are sitting there and saying, "There are eight things we are going to deal with. We need this kind of information to do so. We are going to do it on Tuesday and Thursday. We know exactly what we're doing."

What we have moved into is a structured situation. I am forced beforehand to declare my priorities, what I want to deal with. I am prepared to do that if you give me in return the research person to make that a legitimate sensible discussion. We always get around to the fact that we can never afford to give the individual members a research person. But we should go into that and take the cost of the staff time in anybody's ministry. In most of them that I am in these days, there has to be a million dollars' worth of help sitting there, and they are sitting there sometimes on standby for 10 days, sometimes inside the committee, and sometimes standing out in the hall, gossiping with one another.

If we took just the cost of having those people sit around here doing nothing for one set of estimates, we would meet the finances needed to give each and every member here research persons. I think that is a reasonable approach. Out of it I give up a great deal, which are my traditional tools of ambush and surprise and all of that stuff. But I get something out of it. I get some meaningful research capacity. I get an opportunity to set priorities, which I do not get now. I think that is a reasonable way to proceed and that, frankly, we would do it faster and better and everyone would be better served by doing that.

I am prepared to yield the traditional weapons of an opposition member because I am getting something in return for that. But we cannot do one and not the other. We cannot take away that traditional freedom of waltzing in and doing our own little thing and not give something in return.

Mr. Chairman: Are you saying that each one of the opposition members should have a research person?

Mr. Breaugh: I do not think it should be just opposition. I think each ordinary member ought to have one person on staff to do that kind of research. If I had that, it would be a monumental breakthrough.

Mr. Rotenberg: You may need one person full-time 12 months of the year. I do not know how many research persons you have in your caucus or how they are divided up, but I know the complaint is that the leader gets too much of the research staff's time. Do you have a block of time of a researcher assigned to you?

Mr. Breaugh: No. I find that is the premise we are working on now, that the allocations for research money are prepared on a caucus-by-caucus basis. But I dare say in each caucus the research capacity goes towards the leader.

Mr. Rotenberg: In ours, of course, it is different because the ministries do it. Our caucus researchers do serve the members quite well.

Mr. Breaugh: Yes. The problem may be a little more acute from the other side. I think the mistake we have made is that we can pool that kind of stuff when we cannot. I think that each ordinary member ought to have allocated to him a research person in some personal research capacity.

I do not want big staffs as we saw in the States because I think that is a waste, but I want one person whom I could turn to and say: "I am telling you I want to see these documents. I want you to do some research in that regard. I want you to work up some questions."

I do not want that person shared or pooled. I do not want the caucus to set another priority. I do not think that is an outrageous request. It is one which could be met very simply and I am prepared, as I said last week, to go to some kind of an interim expansion of the intern program, to try that on for size for one session or whatever, to see if everybody else has the same concerns I have. I do not care how we get there, but I think sooner or later we are going to come to that conclusion, and the faster we do that, the better off we are going to be.

Mr. Chairman: How about a research person allocated to the members of this committee, each party having a research person allocated to it, for example, you and Mr. Charlton and any other NDP member on this committee having one?.

Mr. Breaugh: We have tried variations of that. For example, we do not too badly in here. We have Mr. Eichmanis, who is the sole research person for the entire committee. In a sense that does not work badly. The flaw in any other system I see, though, is that if you expect me to get ready for legislation, for estimates, for a budget reply, for a speech from the throne, for a debate on procedural affairs committee report on committees, if you expect me to structure my life around that, then you have to give me some personal research capacity, and it cannot be a shared one. Mr. Charlton and I cannot get into the argument about it. He has these nine things to do this week, and I have these seven over here, and the end result is that we might each get three things done. I am simply saying that one person who is responsible to the one individual member would solve a lot of problems around here.

Mr. Chairman: It would probably work out to be the same number too if you are on four or five committees, I suppose.

Mr. Breaugh: Yes.

Mr. Robinson: I was going to suggest, Mr. Breaugh, that that is a matter that has been traditionally before members' services committee.

Mr. Chairman: Right. That is something you could decide on.

Mr. Robinson: And certainly we would be happy at the request to put the item back on the agenda. Come and make your pitch there.

Mr. Rotenberg: If you already have an assistant here and an assistant in your constituency and a research assistant, what is the member going to do?

Mr. Breaugh: Right now, for example, we have gone through a long series here of dealing with problems. The members became social workers. I do not know how that happened exactly, but it is a traditional role. We have resolved that problem. You might have seen Avril Mitchell, our House leader's assistant, wandering in and out to find out whether or not we are going to do the Fire Marshals Act tonight, tomorrow morning or Monday.

I would be prepared to do it almost any time if I could pick up the phone and call the researcher in my office and say, "Would you get our material together about the Fire Marshals Act." And we would go in tonight and do that piece of business. But I do not have anybody there to answer that phone, so I have to do that.

When this meeting is finished, I will go into a caucus meeting for two hours, then I will into question period and then I will go into estimates. Later on this evening I will draw some House time. So the bill cannot go. The minister has that capacity of making a phone call if someone walks in with a folder full of material and puts it in front of his nose.

Mr. Rotenberg: Should not that be your caucus researcher who is assigned to whatever policy field?

Mr. Charlton: The load is just too heavy. Right now our research staff are basically doing two things for the caucus. One, they are attempting to do the general policy work, the party's policy work on a particular area. Now most of those researchers are assigned to four and a half or five ministries. In addition to that, they are also attempting to do day-to-day work, things that come up here, and provide the support for the leader and whatever extra support they can provide for caucus on the day-to-day things.

Our view of how that general caucus research staff should work is to provide, essentially, nothing more than the general background research. If each of the members had a researcher of his or her own, to deal with the day-to-day nitty gritty, which our research staff are not now dealing with, we may get into some more logical and straightforward discussions around here, whether it be on legislation or in committee on policy or whatever the case happens to be. That is research, from the opposition perspective, the nitty-gritty research on the effect of a section in the bill, which is not now happening.

We get into arguments in the House about whether a particular word in a section of the Human Rights Code amendment is going to do this or that. We may always have that argument, but it seems to me that at present almost always that argument is unresolved in the House, not only because the opposition member who is criticizing the way that word is being used, but the government members that are speaking to the same bill, do not really know. There may be some room for substantiating your argument if you can have a serious look at what has already happened elsewhere.

Mr. Epp: Mr. Chairman, I would just like to say that I think this has been a valuable discussion, but I do not think this is the place to have it.

11:40 a.m.

Mr. Chairman: No. I think, as was suggested, if it is all right, we will ask our staff, as a result of our deliberations here, to work up some ideas, some structures--whether you use the phrase "dry run" or what have you--as to how the one committee may handle the two areas of finance and policy, deal with the question of time, make suggestions to us as to time allocation, whether we want to talk about the question of research personnel or whether you want to lose your ambush privileges, Mr. Breaugh with the minister in estimates, or something like that.

I think there is enough flexibility that you will eventually get the information you want, whether it is that particular day or not. The important thing is that we leave it to staff now to summarize our discussions over the last few meetings, particularly with the House leaders, and come up with some recommendations for early fall that we can hopefully implement and possibly get rolling for the next year.

You have in front you a proposed budget for this committee. I guess we have made a decision on the United Kingdom item. The main thing we have to discuss this morning is whether or not we should go to California and when. Mr. Forsyth, you might give us an idea, if you were talking to somebody out there, of what information you got from them and your general reaction as to the usefulness of a trip of this kind.

Clerk of the Committee: I spoke to James Driscoll, the Clerk of the House of Assembly there, on Monday. He said they set two to three weeks aside each November and December to review the existing rules of their House and make recommendations for the first sitting day. Apparently, they report back to their assembly the first sitting day and the rule changes have to be adopted that day to continue.

He said that California is about the busiest state in the union and as well staffed as any other state, as far as committees go and the House goes. I guess it is comparable to Ontario's situation here. We are probably the largest province population-wise and have the busiest committee system of any of the provinces.

They said they would be glad to try to work something out if we would write to the Speaker of the House and the president pro tem of the Senate. He said as long as we realized their system was not a parliamentary system and there are great differences, he could work something out most likely.

Based on that, I put in a provision in the proposed budget for 12 members for meeting for three days in Sacramento. That would have to be approved by the Board of Internal Economy before I could approach the people in California.

Mr. Chairman: I have never had any experience dealing with standing committee budgets. Is this a reasonable figure, \$80,000 plus?

Clerk of the Committee: It is considerably higher than last year.

Mr. Chairman: What was last year's?

Clerk of the Committee: It was approximately \$30,000.

Mr. Rotenberg: We didn't go to England.

Clerk of the Committee: The total amount spent last year was \$16,361.19, but that only included the travel to Ottawa and not the travel to London. The budget, depending on whom you speak to in the finance office, is somewhere between \$43,000 and \$28,000.

Mr. Chairman: What is the California trip? Have you figured out what that is in itself?

Clerk of the Committee: The figures are there before you. They are separate for agency review in California and United Kingdom. It is a matter of whether the committee wants all 12 members of the committee to travel to California and to the UK. We could reduce that amount. It is about \$660 for air fare if we go for fewer than seven days and it is reduced by \$200 if we go for seven days or more.

Mr. Chairman: Have you got a quick figure if all members of the committee and three staff go to California, a quick idea of what that total is roughly? If our budget is tripled, we are not going to get that kind of money; it is as simple as that. I kind of feel that that trip to the United Kingdom is going to be much more beneficial, though maybe not from a health point of view, than the proposed trip to California.

Mr. Robinson: I make it about \$14,000.

Mr. Chairman: About \$14,000. We are looking at about \$65,000. We may even have trouble with that one.

Those are my comments. I would just like to protect, shall we say, the trip to the United Kingdom and not give the powers that be who review these budgets too much excuse to shoot us down.

Mr. G. W. Taylor: (Inaudible).

Mr. Robinson: I was just going to echo Mr. Taylor's sentiments, Mr. Chairman, and move the budget through the committee, and that the chairman attend the Board of Internal Economy on behalf of the committee with a preference or a priority to maintain the United Kingdom trip.

Mr. Breaugh: One small problem is created by the size of the committee. There are 12 members this year as opposed to seven

last year, so anything we do is going to cost us almost twice as much for starters, whether we are more active or moving around or whatever.

Mr. Rotenberg: Was it not eight?

Mr. Charlton: Was it not three, two and two?

Interjection: Plus the chairman.

Mr. Breaugh: Yes, eight, so we are up a third before we start.

Mr. Chairman: All the skiers among us probably will not go to the UK.

Mr. Rotenberg: If we are picking a state to go to--maybe it is a coincidence--we seem to pick the second or third furthest away state--

Mr. Chairman: Where the sun always shines.

Mr. Rotenberg: --except for Alaska and Hawaii. Somehow or other a trip to Albany or Lansing would look an awful lot better on this budget than a trip to Sacramento.

Mr. Chairman: Or another province.

Mr. Rotenberg: I am not going to oppose the motion, but I think it should be made very clear that I think the UK is a valuable thing and we should go to it. A trip to Sacramento is interesting but nowhere near the same priority. Save it for next year; we can go next summer.

Mr. Chairman: I can just see some keen individual on the Board of Internal Economy saying, "All right, both trips are out," and where do we go from there?

Mr. Robinson: May I amend my motion then, Mr. Chairman, to delete the California trip and schedule it tentatively for the following fiscal year on behalf of the committee?

Mr. Taylor is not demonstrating particular enthusiasm for that. I think he already had plans for California.

Mr. Rotenberg: Mr. Breaugh is giving you hand signals too.

Mr. Chairman: Do you second that, Mr. Taylor?

Mr. G. W. Taylor: I feel that if the committee thinks it is necessary and worth while to go on both of these trips or either trip then the chairman should take it to the board.

If they feel it is not necessary, let them make that decision. If we have made the decision that these trips for their informational value are a necessity or worth while to this

committee, then we should move the motion that they become part of the budget. You know the committee's preference is that the United Kingdom is possibly more beneficial.

Mr. Chairman: No question about it.

Mr. G. W. Taylor: I am not concerned with the Board of Internal Economy or that we should gauge ourselves on what the board might do in their minds, looking at the budget. I think, Mr. Chairman, you have such persuasive powers that when you get there you will bring the knowledge of this committee and their desires to that board.

I would not want the reservation to be in that we might do it some time in the future. The makeup of the committee may be entirely different at that time and their needs and their informational desires might be far different.

Mr. Edighoffer: What is wrong with a subcommittee?

Mr. Chairman: Say about half a dozen members or four or five members or something like that?

11:50 a.m.

Mr. Charlton: Mr. Chairman, if I might make a comment, I do not think we should be making those kinds of decisions here now. I think we should work from the premise that this is a committee and that if the committee is going to travel we should make every effort to see that every member of the committee has that opportunity.

If we run into budgetary problems with the Board of Internal Economy, we can sit down as a committee and decide how to deal with that in the second round, if you like. In other words, we can decide whether it is more appropriate to drop the California trip and just stick with the United Kingdom trip, or whether we would like to split the two trips and, say, send half the members to the UK and half the members to California.

Let us not deal with those kinds of things here now. Let us decide that this committee is a committee and that it is going to travel together if it travels at all. If we have to start making compromises, we will deal with that after that is made clear to us in terms of whether we drop one of the trips or we start splitting the committee up.

Mr. Chairman: Okay, we have two motions. Mr. Robinson, your first motion was on the total budget.

Mr. Robinson: I would move the first motion, Mr. Chairman, and, failing that, I would be prepared to amend it.

Mr. Chairman: Your second motion was that we delete the amount allocated to the California trip. Which motion are you sticking with?

Mr. Robinson: I would go with the original one for the time being.

Mr. Chairman: The original one. Mr. Taylor, I assume you are still seconding that?

Mr. G. W. Taylor: Yes.

Mr. Breaugh: I would like to say we went over a long battle the last time with this sort of thing. The committee believed at that time, and I think should still maintain the purpose, that this committee decides what it wants to do and what it thinks is important. We put a budget in to the board. If the board decides to change the dollar amount of that budget, it comes back here and the committee then decides its priorities.

As one who may be otherwise occupied when these excursions occur, I still think that it is defensible and a useful tool for this committee to get around and see other governments in action and how they function. Even though I might not be able to go, I think it is important for the committee to do that.

I propose that the motion is supportable on that basis. If the board decides that Ontario cannot afford this kind of a budget, it comes back here and the members make their choice.

Mr. Barlow: Although I am just doing substitute duty today, Mr. Chairman, as chairman of another committee that has a grand total of \$5,000 in its budget from the Ontario government, I envy you enough to support the motion.

Motion agreed to.

Mr. Chairman: The meeting is adjourned. We will meet at the call of the chair, if that is all right. We will see if we have something for next week for you.

The committee adjourned at 11:54 a.m.

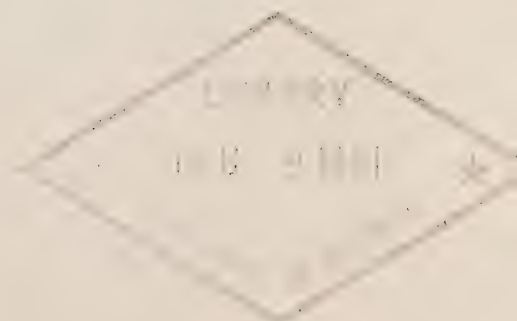
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STANDING COMMITTEE ON PROCEDURAL AFFAIRS
AGENCY REVIEW
THURSDAY, SEPTEMBER 17, 1981
Morning sitting



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breagh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Piché, R. L. (Cochrane North PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Watson, A. N. (Chatham-Kent PC)

Clerk pro tem: Arnott, D.

Research Officer: Eichmanis, J.

Witnesses:

From the Ontario Racing Commission:
Hall, R., Counsel
Hardy, N. E., Chairman
McDonnell, W. R., Director
Paradis, F. C., Secretary-Treasurer

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, September 17, 1981

The committee met at 10:15 a.m. in room No. 228.

AGENCY REVIEW
(continued)

Mr. Chairman: I see a quorum and would like to commence the meeting. As you know from your agenda, we have members of the Ontario Racing Commission here today; Mr. Hardy, Mr. McDonnell, Mr. Hall and Mr. Paradis. Thank you very much, gentlemen, for attending.

Mr. Robinson: Mr. Chairman, I wonder if I might interrupt you just before we get into hearing from the commission itself. I wonder if I could draw to the committee's attention--I see Mr. Gorman is here as well--the submission from the Horsmen's Benevolent Protective Association. I raise it at this time because it was a paper that was submitted yesterday.

On page two, part one, composition of the commission, I notice what appears to be an opposite viewpoint from that expressed by Mr. Gorman and others yesterday, dealing with the composition of the commission. I wanted to bring it at this time so that it might be a point for discussion some time during the course of the morning. They suggest that at least four of the seven appointees, which, of course, is a majority, have some interest, relation or experience in horse racing.

As I recall Mr. Gorman's comments from yesterday, one of the main highlights was that commissions, generally, should be seen and perceived to be completely separate and apart from the business of horse racing so that there is that impartiality. As I recall, he used that as one of the main disadvantages of not having a commission at all in as much as it was perceived that peers were judging peers. I just wanted to draw that to the committee's attention this morning as background, before we heard from the commission itself.

Mr. Chairman: That is a difference of opinion. If we have a few minutes--Mr. Gorman is here, as you say--we may have him comment on that. We have, of course, the transcript of Mr. Gorman's remarks from yesterday as well as the brief from the Horsemen's Benevolent and Protective Association. This is always a problem when a representative from any particular association, cannot attend a committee meeting.

Mr. Robinson: I just wish to draw this to the committee's attention this morning.

Mr. Chairman: Yes. During our review of our meetings, we will discuss that difference of opinion.

Mr. Robinson: Very well.

Mr. Chairman: Our committee, as part of its mandate, is required to review Ontario agencies, including ORC. Yesterday we heard from two of the associations. I am sure those members of the commission who were here yesterday were quite interested in some of the submissions that were made by the two associations.

Mr. Hardy, I would ask you, as chairman, if you would just give some introductory remarks, some background on the commission. I am sure there is still something committee members could learn. Then I am sure you will have some questions.

Mr. Hardy: I did not come prepared for that but I will do the best I can without the preparation. First, I say this to you, Mr. Chairman, that we came prepared to give the best information that we possibly can to this committee. It is for that reason that I am accompanied by, on my left--to introduce the gentlemen--Mr. Hall, who is the counsel for the commission, and to my immediate right, Mr. McDonnell, the director of the Ontario Racing Commission, and Mr. Paradis, the secretary-treasurer.

I believe that you have had all the legal information, as I might term it, the Racing Commission Act, which no doubt you have had an opportunity to look at and which will have some bearing today. I presume that you have, to analyse, copies of the Ontario Racing Commission rules of racing, which I will be very grateful to answer for.

10:20 a.m.

The thing I would like to say about the racing commission is its responsibilities, and, to be very brief, perhaps try to set in context one of the major areas of responsibility that we have. That is, endeavouring to supervise, to regulate and in effect control, an industry that is a controlled and regulated industry within the free enterprise system, an industry that covers a very broad spectrum, dealing first with the Ontario Jockey Club, which is a nonprofit organization with, daily, at their Woodbine racetrack a mutuel handle of \$2 million.

From there you move down to free enterprise such as Windsor, with a daily handle of \$600,000 to \$800,000. I should say about the handle, all this is relevant to the size of the operation and the numbers who are employed in it.

From there you move down to another level, such as perhaps the London, Ontario, Western Fair, which is operated by the fair board, with an average handle, perhaps, of \$200,000. We gradually go on down to where we have racetracks operated by fair boards and/or social clubs, such as the Kiwanis, who operate the Clinton racetracks, with a daily handle of perhaps \$60,000.

So it is varied. We have more to be concerned about than that of being a racing association and/or a moneymaking, profit organization. When we get to the level of the Clintons, the Woodstocks, Elmiras, we are now touching on really the quality of life of the people within the community, and this is an area that we take very seriously in the considerations and decisions that we come to that might impact upon that racetrack.

I think, Mr. Chairman, there is no more to say than that. That is the main part of the racing commission's concern beyond what is set out for us in the Racing Commission Act and the rules of racing.

Mr. Chairman: Knowing the number of regulatory functions that the commission has, do you feel you have sufficient staff complement at the present time? Have you ever indicated to the powers that be that maybe you need a larger staff?

Mr. Hardy: The best answer to that question can perhaps be given by Mr. McDonnell, who has the responsibility for the day to day operation and administration of the commission.

I would say to that question, no, we do not. All of us are caught in the zero budgeting and we have eliminated one position, which we feel is a vital position in the racing commission, in the past year. Mr. McDonnell may want to add further to that.

Mr. Chairman: As chairman, Mr. Hardy, you are a full-time chairman.

Mr. Hardy: No, I am not. I would perhaps spend an average of a day and a half during the week. There would be a long conversation with maybe Mr. McDonnell or somebody for an hour maybe a few days a week. Generally it would be one full day a week.

Mr. Chairman: Would the director spend about the same amount of time?

Mr. Hardy: That is a full-time position for Mr. McDonnell. He is a member of the civil service.

Mr. Chairman: There was one other question I had before I shall ask some of the committee members. We note in the report here that your expenditures have in recent years been exceeding your revenue, which consistently has been falling short of your operating expenses. Do you think there should be an increase in fees to cover those increased expenditures so that you at least balance?

Mr. Hardy: No, I do not. The recovery is approximately 50 per cent.

Let me say this. Where there is a direct service rendered, such as judges to the racing associations, that is recaptured virtually 100 per cent. Our recapture level now, as I have indicated, is about 50 per cent of the total, but the government extracts something in excess of \$50 million in the way of taxation. We do, I think, have some (inaudible) where they put something back (inaudible) supervision.

I believe, and I am certain Mr. McDonnell could verify this if he is asked to do so, that where we have direct services, that direct service is, I believe, recaptured 100 per cent or close to it. Do you want to speak to that, Mr. McDonnell?

Mr. McDonnell: I think basically the chairman is

advising the members what our position is in what we charge the tracks in the daily licensing fee covers. In the case of standardbred tracks, we supply three judges, a veterinarian and a licensing agent at each and every track that we are required to service.

On the thoroughbred side, we supply three stewards and two veterinarians, because we do prerace physical examination of all thoroughbreds; and we have the same operation as far as the licensing goes, and clerks.

The fees that we charge the tracks almost fully recover that cost to the commission. Where our cost recovery is not coming in is what it costs for the head office administration of the commission. I think this is where you are getting the variable. I am talking now about the expenditures of commission members, traveling expenses over and above normal rates. We have discussed this with our ministry, and they seem satisfied. If we can show a 50 per cent recovery I think we are meeting our commitments in our management by results process.

Mr. Chairman: The only other question I have, if there are no questions from the members, is this. The government gets seven per cent from the take of the track and of that, about one and one-half percent, more or less, goes back to the industry, mainly to the horsemen.

Do you have any comment about that split, about that percentage, the amount of the take and the amount of the rebate? Do you feel that is fair? We heard comments yesterday, particularly from Mr. Juravinski, that it was not fair.

I realize that your job is to administer the act and the regulations as given to you. Maybe you are not supposed to have an opinion on something like that, but I think it would be interesting, from your experience and certainly your expertise in this industry, to have your opinion as a result of your contact with the industry from time to time.

Mr. Hardy: I am quite prepared, Mr. Chairman, if you accept the view that we have always considered it is outside the scope of our responsibility. However, being as close to the racing industry as we are, certainly we are as supportive as we could or should be. We certainly agree with the program and are very supportive of it.

We are, however, concerned with the ongoing health of the industry and believe strongly that they too--when I say the industry, I am speaking now of the racing associations--require opportunities, whether it is in taxation relief or however it is given. If not, then we can see the real possibility of some of the racetracks possibly folding.

The racetracks that would close are the ones that we, as a commission, endeavour to protect as best we can, and as I said earlier, those that impact upon what we consider the quality of life particularly in the rural areas.

These are a very important part of racing for two reasons. The people are obviously not in it for a profit because the level of purses makes it impossible for them to make a profit. They are there for enjoyment and for what they are contributing to the community in the way of recreation and for spectator participation.

10:30 a.m.

It is a family situation. It is very important that we protect that. Unless there is some type of relief in the very near future, I suspect some of those racetracks will go by the board. But even as (inaudible) the opportunity for places such as Fort Erie to continue and other facets of it, there is also an indication of need.

As suggested, I do not know what might have been said to you by other associations that may have appeared before you yesterday, but I am sure any one of them can justify the need for additional revenue--when I say revenue, beyond that of the mutuel handle.

Mr. Chairman: I think we should have an arrangement whereby all those people who come over from Buffalo to buy gas at Fort Erie have to buy a couple of tickets to the Fort Erie racetrack.

Mr. Hardy: We would support very strongly (inaudible). As a matter of fact, I was speaking to Mr. Aldous yesterday, who is the supervisor of standardbred racing, and discussed with him the need for this immediately to get on to see what we may be able to develop in the way of a recommendation that could--and we are brash enough to make a recommendation that could have some influence or impact on perhaps easing the situation.

Mr. Chairman: You figure that one and one half should go to two or more.

Mr. Hardy: It depends how it is distributed. I think it is found that it is--I think not only the Minister of Consumer and Commercial Relations in his presentation devoted to--that is to go to all the purses. As it now stands, whether they are prepared to make some alterations I do not know, but there is this need beyond the purses for some type of added revenue directly into the coffers of the racing associations.

Mr. Robinson: I want to explore briefly, if I may, three areas with the commission chairman.

Mr. Watson: Can I have a supplementary first to that one?

Mr. Chairman: Yes.

Mr. Watson: The thing I do not understand about this is that yesterday we got the impression the money which is now given, not so much the amount, but the split of the money which is now given, you are responsible for the split. Is that right?

Mr. Hardy: No, we are responsible for the administration.

Mr. Watson: But you set how much goes to the horseman and how much goes to the track.

Mr. Hardy: No, we do not. That is dictated by this government. The one and one half per cent is granted and goes back into--for distribution, for (inaudible) for purses. It goes into the purse, or in some instances, some to smaller racetracks but that has been discontinued now. There is no type of grant whatsoever. It all goes to purses.

Mr. Watson: It is legislation that puts it to the purses rather than--

Mr. Hardy: That is correct.

Mr. McLean: Is there anything to stop the seven per cent being raised to eight?

Mr. Hardy: There is nothing to stop it, I hope.

Mr. McLean: But it could be done.

Mr. Chairman: Oh, sure.

Mr. McLean: What is your opinion on it?

Mr. Hardy: (Inaudible) racetrack, just increase the total takeout. This would be not in the best interest of racing, to increase the takeout. But if anything, we should be looking at perhaps the opportunity for decreasing the takeout or taking less from the wagering dollar (inaudible) go the pool.

Mr. McDonnell: Depending on the site of the track--seven to seven and one half.

Mr. Hardy: Seventeen is the lowest, to 19, I guess, with the smaller racetracks. If you move it up it would be 20. I think it starts with racing associations where they have gone beyond perhaps 17 or 18. Betting starts to drop off. We turn it back to the bettor where it dries up the pool, the pool of money available.

Mr. Robinson: If I may, the first area I am curious to know about was a comment made yesterday on behalf of the harness track owners, or whatever they were, that there was to be an additional tax on triactor wagering of one and a half per cent. It was the opinion of Mr. Juravinski that you, as a commission, had already decided that the distribution of that fund would not be to the track operators, but to the horsemen. Can you comment on that?

Mr. Hardy: Again correcting that, it is two per cent rather than one and one half per cent additional on your triactor. It is something that we at the commission have no control over, that is, by legislation. Our responsibility is for the administration of those dollars.

Mr. Robinson: You do not make recommendations as to how it should be distributed.

Mr. Hardy: We do not.

Mr. Robinson: All right. Thank you. The two other areas which--

Mr. Chairman: Does the government check with you? Does the minister ask you--

Mr. Hardy: I am not trying to embarrass them, but I--

Mr. Chairman: Does the minister, under which you function or the staff of the ministry--do they discuss these things with you when there is a possibility of an increase? You are the knowledgeable people in the industry, really. All I am saying is I hope they do because you have a real gut feeling, I am sure, of what level of taxation or levies they should be.

Mr. Hardy: We had no in-depth discussions other than (inaudible) at the time we meet. How do we meet with them? We did make a presentation of somewhat a year and a half or two years previously. That is somewhat different from what eventually came out.

Do you want to speak to Mr. McDonnell?

Mr. Hodgson: When you talk about the ministry, this is out of the Ministry of Consumer and Commercial Relations. But I understand the former minister is still a part of the Ontario Jockey Club, which is their go-between.

Who is the minister's representative on this? Is it the former minister or is it the present minister? Who is the representative to the racing commission and also to the Ontario Jockey Club at the present time? Is it the former Minister of Consumer and Commercial Relations or is it the present minister?

Mr. Hardy: There is no representative. The Ontario Racing Commission reports to--

Mr. Hodgson: Mr. Walker.

Mr. Hardy: The minister responsible, Mr. Walker.

Mr. Hodgson: That is fine.

Mr. Chairman: Just one point to clarify that, Mr. Hardy. What about the advisory board? Does it not make recommendations?

Mr. Hardy: The advisory board deals solely with the tax sharing program and that is made up of one member of the commission only, as chairman--Dr. Glen Brown--and with members of the racing industry. They make recommendations as to the distribution, and particularly in the area of the sires stakes program, where they get very much involved. You want a recommendation as to how it may be distributed in the stakes program.

Mr. Watson: Does that go to you or does that go directly to the government?

Mr. Hardy: No. It comes--that distribution--they make a recommendation as to how, in dollars from the one and one half per cent--it will be distributed in purse distribution.

Mr. Watson: Okay. I think maybe you are getting my problem and other questioners' straightened out here, because I am sitting here and saying the sooner we get this straightened out--because what I understood from what you just told us and what we were told yesterday, he was in just direct opposite--that somebody, who reported to the commission, had decided on the split and the racetracks were not getting anything. You say you do not have anything to do with the split.

Mr. Hardy: No.

Mr. Watson: I am still not clear and maybe I am the only one.

Mr. Hardy: You may be talking about two different splits. We have no control output on the setting of the one and one half per cent.

Mr. Watson: The amount.

Mr. Hardy: The amount, the one and one half per cent.

Mr. Watson: But then you have got one and one half per cent. What do you do with it?

Mr. Hardy: There is a--perhaps you might speak from this on it and you have some figures there on the sheet for this.

Mr. McDonnell: We would like to do a handout. One is a press release dated February 5, 1981, from our former minister, Mr. Drea. The second is a detailed breakdown of the racetrack tax-sharing agreement for 1981. You will see from that how it is distributed. On the second page, it is also the dollar breakdown as to supplemental purses.

One area, as I recall, perhaps for the clarification of the members yesterday, is that the racetracks did not get anything from this program. That is, perhaps, partially true because you will see in appendix A of this report X number of dollars. There was so much, for instance, the jockey club, on the standardbred side in that program, raced 268 days last year and they were granted \$1,000 a day for supplemental purses.

10:40 a.m.

Over and above that, there was a figure left that had to be further redistributed and you will see for total grants to supplemental purses for standardbred program of \$1,087,000. In regard to Flamboro Downs, 191 days of racing at \$1,000 per day, they received \$191,000 for that portion of it. Then on the

prorated basis, as to what was available, they ended up receiving \$270,000 for purses.

What that means is you are able, with that purse money, that grant being allocated for purses, you are increasing the purses at the tracks so consequently you are attracting a better class of horse and hopefully the better class or calibre of horse then attracts a better dollar in your parimutuel handle. So, it is an evolving situation.

Mr. Hardy: It may have been said yesterday. It is true that directly none of these dollars flow to the benefit of the racing associations. It is only to purses to the horsemen.

Mr. Watson: Yes. But do you--I think the question was, do you have the authority--if you had decided to direct some of that to the racetracks rather than to purses, do you have that authority to direct that money?

Mr. Hardy: No, we do not.

Mr. Chairman: Would the advisory board be involved in that sort of thing?

Mr. Hardy: No. Not directly.

Mr. Watson: If the advisory board had come in and said, "We want to give a grant to each racetrack," could you not agree with them and the money be distributed like that?

Mr. Hardy: That is beyond our area of responsibility. That is for legislative approval and cabinet approval.

Mr. Paradis: Paragraph three in the press release that you have in front of you, it is quite clear in there that when this program was negotiated: "The enriched program provides for a part of the betting dollar to be returned to the horsemen. Racetracks will not receive funding through the program." So the advisory board, when they made the recommendation to the commission, was led by the instructions from the minister on the dispersal of the dollars and they had no choice but to recommend the program basically that was adopted this year.

Mr. Robinson: Mr. Hardy, if you could step back for a moment perhaps, I wonder if you could give the committee some sort of perspective on the state of the sport in Ontario at this time from a consumer standpoint.

In other words, we heard comment yesterday that it, indeed, was very clean right now, that betters or patrons, consumers could be secure in the fact that it is being very well operated, very honestly operated. Can you, from your perspective as chairman of the commission, give us some insight into that from your standpoint?

Mr. Hardy: If one has said that racing in Ontario is clean and at a peak of being pristine in the presentation to the public, I would have to agree to the best of my knowledge racing

management in this province is outstanding. The people who are involved in the racing associations are concerned people, dedicated people and are dedicated for two reasons, in some instances dedicated for profit, and in some instances dedicated to that of doing something for their community, and I speak of the smaller racing associations. Many people are in the business--again, I am repeating myself--not for profit, because the purse is a race war. There is no way and it is impossible for them to make a profit.

The industry has grown considerably because of standardbred racing over the past 15 years. I believe there is perhaps in excess of 30,000 people, maybe 40,000 who are involved in racing in this province. The best measurement we have as to the condition of the industry is the numbers of charges of illegality. I would think the record in Ontario is equal to or better than anything in the North American continent.

Mr. Robinson: That probably says it all on that.

Two other areas we could perhaps touch on. First of all, your financial base, your system of bookkeeping, if you will, in reseaching this infomation--let me see if I understand your system. You charge licence fees for everyone who is in any way involved?

Mr. Hardy: Virtually.

Mr. Robinson: But those licence fees do not cover the cost of the operation of the racing commission. However, rather than there being an accountability, I understand those licence fees are turned into general revenue and then you receive a legislative grant in return.

From your standpoint within the commission itself, is that a superior or preferable system to one where you would be responsible on an annual basis for submitting a budget raising revenue and then being accountable to it?

Mr. Hardy: I suppose that would get us into the status of a crown corporation, perhaps. (Inuadible) by the fact that, not unlike an automobile licence that brings in revenue but it comes into a common pot, the Ontario Racing Commission and the government are taking over \$50 million in other revenues, but that doesn't come through us. If that was all coming through in one pot and the racing commission was then held responsible for the total operation, then I could agree.

Mr. Robinson: Has the argument been advanced internally that perhaps you should be supporting your operating revenues through your licence fees? On what basis do you establish the amount of the licence fees? What do they reflect? Are they arbitrary or are they just numbers that are convenient to collect?

Mr. Hardy: They are arbitrary, but we try to establish what are 50 per cent costs.

Mr. Paradis: In the ministry, on our MBR, we have been

basically instructed or our guidelines are to try to recover 50 per cent of our operating costs through revenue. We try to gear our licence fees on an annual review to recover 50 per cent of our operating costs. That is the guideline that we follow right now that has been set down within our ministry.

Mr. Robinson: Thank you. The third area, briefly, Mr. Chairman, dealt with the matter of promotion of the sport of racing. In one of the presentations yesterday there was a rather elaborate scheme that, like Wintario and Lottario, you as a racing commission should be actively in the business of advertising and promoting the sport within the province. Could I have the benefit of your comments on that, Mr. Hardy?

Mr. Hardy: I don't know how the question was presented, but, yes, I believe--and there is some--I don't know the exact dollars but there is an amount of money, there is \$170,000 of tax earning dollars that go towards promotion. We are in a situation again were we license, we take substantial dollars in the way of taxation in an industry where there are 30,000 employed--I think it is something perhaps close to 40,000--making a substantial contribution to the economy of the province. By and large, we leave it to the association to promote the industry. We are promoting it through this type of activity.

One could say there is sufficient here to do it and perhaps this is where we should be looking for it. Now it is perhaps going to be an infringement on what was originally set up for this and (inaudible) but I think there is a greater need for the promotion of the industry in totality both by the agency of the government, the Ontario Racing Commission and/or the racing associations, an industry that needs support and is not necessarily getting the support it should enjoy because of its contribution to the economy of the province.

Mr. Robinson: Thank you, Mr. Chairman.

Mr. Chairman: I see in your last year's annual expenditure in the budget you had something over \$275,000 for services. Would that include promotion, the services?

Mr. Hardy: No.

10:50 a.m.

Mr. Chairman: It wouldn't include promotion. Would it come under transportation and communications?

Mr. Hardy: It comes under the (inaudible).

Mr. Paradis: The only money in the service category used for advertising is some institutional advertising done by the sires stakes section of our operation. It put advertisements in trade journals announcing stake date payments, nomination payments, stallion registration, deadlines. That amount of advertising is approximately \$10,000.

Other service categories--I have them listed--rentals of

office equipment, photocopy equipment, data processing services, commercial and legal services, that is the great portion of that section of the budget.

Mr. Breaugh: I just have one thing I want to pursue. We have done this with a number of agencies--with not a lot of success to tell you the truth. I am interested in how different agencies deal with conflicts of interest where people in the industry regulate, participate and just in general appear to have direct conflicts; and in this case on the racing commission you have a Dr. J. G. Brown who participates on the commission and I am told is a very active and wonderful person. I also notice that last year in 1980 one of the leading money winners was a Dr. J. Glen Brown, the same person. How do you handle that?

In municipal politics or in provincial politics, if I were doing business with the city and I were on city council I would have to declare a conflict of interest and I wouldn't be allowed to vote on matters like that. If it occurred repeatedly, there would certainly be a lot of questions asked about how I could be someone doing business with the agency and still participate in a regulatory manner.

It appears that in this instance, and correct me if I am wrong, that Dr. Brown is a very active participant in the sport as an owner and breeder and also sits on the racing commission where the rules and regulations are set, the recommendations are made about policy decisions, money and a great many other things. It would appear to me as an outsider to be a very serious conflict of interest. How do you handle that?

Mr. Hardy: I can understand the concern and that one could look at that. The racing industry being what it is requires on its commission certain people of knowledge and background. Dr. Glen Brown is one of the most highly regarded members of the standardbred industry in North America. There is certainly no question as to his integrity and/or his competence.

We have had occasions where Dr. Brown has declared his interest and has not participated on an occasion where a trainer came before us and this would be a matter of a trainer for Dr. Brown. Dr. Brown would not participate. I don't personally find it a problem with Dr. Brown or with someone else who may be in a similar position where he is participating as a chairman of the tax sharing program; he acts as chairman, he gives good guidance through his experience as chairman. He is there to collect the information and make the recommendations. In any areas where Dr. Brown has a conflict he has withdrawn.

Mr. Breaugh: Do you have a formal policy on that? Does the racing commission say that under these sets of circumstances we would ask a member like Dr. Brown to either withdraw from the vote or not participate in the deliberations?

Mr. Hardy: Just as you would do in industry, instruct an individual on it until one knows whether they have a conflict and their own integrity demands that they would declare an interest.

Mr. Breaugh: That is where we always get into a problem. A number of agencies have been before us and we always get the same replies. These are always salt-of-the-earth kinds of people, never--

Mr. Hardy: Well, I am saying it is the same as in industry and on any board, I presume.

Mr. Breaugh: Well, I don't know about that.

Mr. Hardy: You make a declaration of interest.

Mr. Rotenberg: Unions have the same problems from time to time.

Mr. Breaugh: You are showing your ignorance of unions again, David.

Mr. Rotenberg: I know a little about them, the multinational unions especially.

Mr. Breaugh: Just about what you can put in your left ear.

What I am interested in is, with a government agency like the racing commission it strikes me the problem is obviously not a new one; it is one which has occurred in the past and will probably occur in the future. If we are to continue to have this combination of people who are both participants in that field, whatever the agency that is regulated, if they are participants and yet can still remain part of the regulatory body, it seems to me--and the committee has addressed itself to this in previous years--that there must be some clear guidelines that apply to all the agencies that are out there, so that you don't get one agency where they say, "Well, we are all gentlemen here and if a conflict arises I will say so and I will leave the room."

In another agency the guy is bounced off the agency because he might have a conflict. For example, there are municipal councillors who have lost their seats because they voted on a road that was going in near their homes. The courts have held that is a clear conflict and bounced them out of office.

How is that fair game for somebody who sits on municipal council and not even a matter for consideration by an agency like the racing commission? How can we resolve that obvious conflict which is there?

Mr. Chairman: Mike, are you saying that a municipal councillor--

Mr. Breaugh: A guy in Kitchener last year voted on a road in front of his house. Somebody who had run for council before challenged that in court and the court held there was a conflict of interest and the fellow lost his seat on the council.

Mr. Chairman: Was that road solely for his own use?

Mr. Breaugh: No, no. He lived on a street where they were reconstructing a road. He voted on it and somebody took it to court. The court held that was a conflict of interest which he hadn't declared and he lost his seat.

Mr. Chairman: No kidding.

Mr. Breaugh: That is pretty tough going for that poor citizen, but Dr. Brown doesn't seem to have that problem.

Mr. Hardy: I can understand your concern. I can only say that the commission consists of seven members. Dr. Brown was actively involved in racing. Mr. Martin had some horses but more in breeding, none actively racing. I believe Jim Coleman had an interest or a half interest in a horse, again not racing, or if it was racing, not in this jurisdiction. I personally have a third interest in a brood mare. I certainly don't consider that a conflict. I don't consider Coleman and/or Martin, who are breeding horses, as having a conflict.

I really don't see Dr. Brown in any great conflict, knowing racing as it is presently constituted. For example, owners of racetracks, race horses, trustees of the jockey club, I suppose all of them are actively engaged in the horse racing business. The racing industry requires certainly knowledgeable people who are either engaged in or have some fairly lengthy experience in horse racing.

I would have to say that Dr. Brown and Vern Martin bring to the commission knowledge of the backside. Now when I speak of the backside, that is back of the working side. Perhaps you gentlemen visited the racetracks recently.

With all due respect to members, the trustees of the jockey club, very few of them are familiar with the backside and this is really where this commission is concerned, with the backside and knowledge of the backside. That we are not going to get unless we do have on that commission at least one or two individuals who have been a part of it, recognizing that there is some--concern is too strong--knowing that there is a control (inaudible) make an input and where there is a known direct conflict they do declare it.

Mr. Breaugh: The problem is we have been unable to convince very many people that there has to be some common ground for guidelines on conflict of interest.

There is legislation which has been prepared for some time--and I don't really know why it hasn't been proceeded with--to try and clarify this matter because there is quite a range from something like the racing commission, for example, where there isn't even a written set of rules to abide by, to a cabinet position where virtually everything you own, all of your business interests get locked up and put away, so to speak, while you are sitting in the cabinet for the same reason, conflict of interest.

It concerns me somewhat that you don't have the guidelines and that you, with all due respect, don't even seem to consider it to be a problem.

11 a.m.

May I pursue it just a bit? For example, if there is a disciplinary matter with Dr. Brown's horses, it is pretty obvious if he has any brains at all, he will just excuse himself from the process, but what is not so obvious is the kind of thing the track association was talking about yesterday, that they don't get a fair shake on the funding formulas because all of the horsemen control the advisory board.

Not to stretch the point too much, but Dr. Brown, if he is active in breeding and he sits on a board that is making recommendations about how the money is put back into the industry, and they are recommending policies that are good for breeders and the horsemen, will eventually benefit financially by that recommendation. That is not perhaps so obvious as a disciplinary problem where one of his drivers or one of his horses is before the racing commission, but it is also a conflict of interest. He will make substantial financial gain at some point in time from the recommendations that he or his committee recommends to the government.

It strikes me that is an area which should be clarified. There should be better guidelines, better rules and a better understanding so at least you are not in the position where a track operator can come in before this committee and say, "There is a pretty good reason why we don't get a fair shake out of the government of Ontario, you have got all the horsemen sitting on the advisory committee."

Mr. Hardy: I think that is an unfair criticism, as I have tried to explain, but this track-sharing thing is out of the hands of the racing commission. This was drawn up by the minister and approved by cabinet. The race commission played no part in the allocation of the 1.5 per cent and/or the two per cent, so that criticism is unfair.

Mr. Breaugh: I am not so sure that there isn't some validity in it. Didn't the recommendations come through your organization?

Mr. Hardy: We had nothing to do with them. No.

Mr. Breaugh: So you had nothing to do with that at all. You didn't even talk to the minister about where it would come from?

Mr. Hardy: We had some conversation with the minister.

Mr. McDonnell: Basically it was accepted with the inception of this program in 1974. It was the racing industry that petitioned the government to do something, some kind of a league to set up a sires stakes program and supplemental purses for it. When it was announced, the lobbying at that time was to have those

funds--the same as in New York state--handled by a separate agency. They would have complete control and the government would just write a cheque out to the New York horse racing and breeding development fund over there and say, "Here is"--whatever the figure is--"\$4 million, \$3 million; you administer it."

At the time this was promulgated, the government made a stipulation to the effect: "There is no way we are having it administered by an outside agency. It's going to be the responsibility of the commission."

Therefore, we were put in charge of those funds at that time because it was felt there should be some kind of advisory board set up to give the commission direction and some kind of input from the industry. Then the advisory board was created. In your small book I believe you have a shot to sort of outline the areas and make positive recommendations that have not only affected racing, but the breeding operation as well.

Part of the problem, where I guess you gentlemen might have difficulty, is that I don't think there is any problem with the commission's objectives, goals, requirements and mandates or what we have to do from the regulatory aspect. Where we are getting into a little bit of a problem--and perhaps there is some misunderstanding--is where these funds go for the improvement part of it. That in itself is sort of a different ball game altogether because the promotional aspect enters into it.

When this advisory board met, one of the areas of concern was that here we have a very good sires stakes program that we are talking about as far putting \$3 million into it--the industry knows it's a good thing--but how do we promote it? How do we get people to the racetracks to understand it and what we are doing? It might be fine for larger tracks such as Windsor Raceway or the Jockey Club that have PR departments and fairly capable people.

One of the areas that the advisory board felt was lacking, was that the small tracks don't have that kind of expertise on their staff. We race our sires stakes at every one of our tracks under our jurisdiction.

I think you will find that we are bringing name drivers and horses into some of these small communities and somehow we have to get to the media and make the public aware of who is coming and who is racing at that track. If you are getting the top drivers, you are getting top colts. Then you are going to get greater numbers to attend your races and consequently, a greater handle and that all generates within the whole program itself.

Mr. Breaugh: That's not my problem. I think all of that is fine, but when I go through your book here and I see that the number one money winner in the Trillium series for 1980 was Dr. J. Glen Brown, whose share was \$69,375, and I find that the same gentleman sits on the racing commission, that doesn't look right to me.

It strikes me that at some point in time, however delicately you choose to handle it, you are going to get yourself in the

jackpot on that because it doesn't appear to me to be correct. It appears there is a clear conflict of interest there. At the very least, if you don't want to exclude people like Dr. Brown from participating in the process--and I take it you don't--you had better have a nice clear set of guidelines for declaring a conflict of interest. I think that is essential.

Mr. Hardy: I think this might be helpful in how we come to the composition of the commission. In the submission you received yesterday from the horsemen's benevolent association, on page two is a description of the composition of the commission. The horsemen's benevolent association recommend that "at least four of the seven appointees have had some interest, relation or experience in horse racing." There is recognition on their part that there is a need for it.

In answer to your question, we get this type of current experience that we are certainly desirous of having on the commission to do the job. We endeavour and I think we should endeavour to exert some type of control.

Mr. Breaugh: That is the basic problem. Like a number of agencies, you seem to be expressing a desire to bring people to your regulatory agency from the industry itself because they have the background, the interest, the knowledge or whatever.

Mr. Hardy: Within reason.

Mr. Breaugh: Okay, but it would be my position that you can't maintain a situation where the number one money winner sits on the agency that regulates the industry. If you want to retain on the racing commission somebody who is in fact active in the sport still, then the only way you can do that is to construct some kind of safeguards, either internally or have them imposed externally by the government or somebody else, which say, "We recognize there is a conflict of interest here and these are the guidelines. This is how we will handle it."

When this kind of money is involved, and I suspect that is a very small part of how much money is actually involved in this, when you say a lot of people on the racing commission are active in the sport in some small way, when you start to run the totals up in there, it becomes a lot of money.

I think it is really important that you deal with the problem head on and get your conflict of interest guidelines down and you say: "We understand that if we are going to continue to have people active in the industry and sitting on a regulatory agency, there will be from time to time conflicts. Here is what they are and here is how we will deal with it." Then it strikes me that you can solve the basic problem.

Mr. Hall: Mr. Chairman, as the member has intimated, that of the two or three times that there has been a potential conflict, sitting in an appeal or in a hearing of a licensee, Dr. Brown has disqualified himself. Rather than using general terms yourself as far as conflict is concerned, could you give us one example of how you could foresee conflict, other than the fact

that his name appears there and his name appears there, one as a leading money maker and one as a leading commissioner? Just give us one for instance, then maybe we could direct ourselves to it.

11:10 a.m.

Mr. Breaugh: This is not a problem which is unique to the racing commission. I want to make that clear. We have had agencies come in, for example, which dole out government grants for research and the same people who do the research are sitting on the agency which recommends who gets the money. The only way they could resolve it was that guy leaves the room. We don't think that is very kosher either.

The kind of things we are thinking about is we are saying, if you pick somebody from the industry to sit on the regulatory agency, the first thing would be to have him declare just exactly how big his interest in the industry is. How much money does he have invested in it? In this case, how many horses is he racing in Ontario? How much money did he receive from the government of Ontario for breeding purposes last year? So at least there is that kind of straight out admission of information. We know who this person is and how active he is and he makes a declaration of it much the same as cabinet ministers do.

Then, just simply adopt policy--either internally, or we would prefer to see it across the board--for all of the regulatory agencies so that we have identified the situations where we deem it to be and we gather the consensus on this conflict.

The obvious ones for example are if Dr. Brown had a horse that is involved in some kind of disciplinary action. That is pretty obvious. You might be sufficiently aware in other instances if he is sitting on a board which is recommending breeding programs or racing programs or that kind. You simply know how active he is in the sport. He may use his own discretion at that point to say: "Listen, I am recommending a policy here which is going to make me a lot of money next year. So I had better at least declare the conflict of interest in that."

Mr. Hall: Of course that is not going to cure your problem of this publication unless you want to have it like a financial statement with a note at the end of it, with an asterisk, Dr. Brown races 27 horses and made \$4 million last year. That is still not going to overcome the public publication which is at the end and also in the middle. I still--

Mr. Mancini: The guidelines that Mr. Breaugh has suggested would certainly overcome it.

Mr. Hall: But how is the public going to be satisfied when they pick this up?

Mr. Mancini: The members of the Legislature would be satisfied.

Mr. Breaugh: I don't want to be picayune about this, which you could be, but when it gets right down to it, the concept

that somebody can make a lot of money off policies which he or she recommends to the government is wrong. The only way that you can kind of hedge on that is if you adopt a position which for practical purposes you often have to do.

It would seem to me to be a little nuts to have a racing commission which has nothing but people on it who have no interest in horse racing at all. I don't really understand how you could do that. You probably could, but it would not make a lot of sense. You would still pretty well have to retain the idea that you will have people from the industry regulating the industry.

I do think you need a safeguard there which says, "These are the conflict of interest situations which might arise and these are what we expect our people to do when they do arise." It is as simple as that. If you deal with it in that way, I am not saying you always get the conflict out of the situation, but at least you are prepared to recognize it. That for me would be enough.

Mr. Chairman: What is the old saying? It is a plagiarization of not only it should be correct, but appear to be correct? Something like that. That is the point you are trying to make.

In other words, don't put a person in a position whereby there may be some criticism and thereby some embarrassment.

Mr. Hardy, I notice you referred to the Horsemen's Benevolent and Protective Association comments about the composition of the commission. I think the magic words there were, "that at least four of the seven appointees have had some interest, relation or experience in horse racing." Whether they used those words intentionally and putting the word, "had," which seems to mean that they are more or less retired from active participation in the industry. But I think it is important that people of the stature of Dr. Brown not be subject to criticism in any way, in spite of the fact that we certainly have no indication today that there has been any impropriety.

Mr. Breaugh: Perhaps you should try to understand our position as well. If you are looking at your industry, you are concerned about the health and welfare of the whole industry. That is what you are in place to do.

We are sitting down here making judgement calls about whether we can afford to run hospitals or not. So, you are asking my little old lady with a broken leg to cough up an extra \$25 to get to the hospital. I am looking here where this guy hooked in \$69,000 last year. In my world, the judgement is a little out of whack here. If it is to continue, then I had better be pretty confident that all the conflicts are out of that and everything is above board.

The alternative would be to let it roll until you think some criminal act has occurred: this guy stole money from the racing commission and then we'll put him in jail. Well, that's not likely.

So I need some balance in the system and some judgement as

to why we're all so happy to put this kind of money into the horse racing industry, while we can't afford to run our hospitals any more or we can't build roads any more or there's no money for public housing any more. In that slightly broader perspective we sometimes have a little difficulty justifying just what the hell is going on here.

Mr. McLean: Mr. Chairman, I have one question. I was curious as to why the chairman receives a proportionately larger remuneration than the rest of the members.

Mr. Hardy: The chairman has nothing to say about the setting of that particular salary. While I'm saying that, I have had some discussions recently with the minister and made recommendations, because I think the whole thing is out of balance and there is a need for a readjustment that would reduce the chairman's salary and increase the members' salaries.

Mr. McLean: Does he do that much more work, or is it just the way it has been?

Mr. Epp: I'm sorry, we can't hear.

Mr. Hardy: I'm sorry. I thought the administrator should speak as to the difference in time that occurs. The only thing I would say is that there is the added responsibility that one accepts as the chairman to give guidance and leadership to the members.

Mr. McLean: Is your commission making a recommendation that the adjustments be made?

Mr. Hardy: That would be my personal recommendation to the minister.

Mr. McLean: They will be made this year?

Mr. Hardy: I said earlier that I have had some discussions with him in a written submission to him (inaudible) couple of weeks.

Mr. McLean: Can somebody answer this question: Why has the advisory board not been reappointed by order in council? I believe it was 1973 when it was first appointed, and it has never been reappointed.

Mr. Hardy: An omission, I guess, an error (inaudible).

Mr. Breaugh: As we understand it they are all legally appointed through an illegal board. Is that right?

Mr. Hardy: I understand that is correct.

Interjection: You mean the board hasn't been properly--

Mr. Breaugh: They have been properly appointed to a board that doesn't legally exist.

Interjection: Really?

Mr. Robinson: It doesn't have a mandate to exist.

Mr. McLean: Are they going to be reappointed by order in council?

Mr. Hardy: Yes.

Mr. Epp: Do they get paid?

Mr. Hardy: No.

Mr. Epp: (Inaudible) been receiving her funds yet like--

Mr. Paradis: The only remuneration they get is travelling expenses.

Interjection: Mileage.

Mr. Paradis: Mileage. That's it.

Mr. Chairman: Do you feel, in view of the very broad powers you have under the Racing Commission Act, that the act should be reviewed with the idea of making some amendments? In other words, do you feel that as a result of your operation you have been doing things, certain practices, which may require more specific reference in legislation or in regulations?

Mr. Hardy: Are you speaking of the powers with which we are vested through the act or the rules we have written?

Mr. Chairman: Mainly the rules.

Mr. Hardy: Mainly the rules?

Mr. Chairman: Yes, which I assume would not go to the Legislature, for example.

Mr. Hardy: No, they do not. Perhaps I might ask Mr. Hall to speak on the act, if he would like to.

Mr. Hall: I think the act is very, very broad in the powers it gives to racing. It's pretty all-encompassing to govern, direct and regulate racing in all of its aspects. But fortunately, through the wisdom of the Legislature, they passed an act called the Judicial Review Procedure Act some years ago, which, fortunately for the citizens of this province, really restricts the powers of any tribunal.

There have been, in fact, appeals from judgements of the Ontario Racing Commission to the Supreme Court of Ontario. We have won a few and we have lost a few. But certainly that takes away that arbitrariness of any administrative tribunal.

There was some discussion in some of the briefs about the delegation of authority to stewards and judges. Some years ago we found out an amazing anomaly, or an error, that had been

perpetrated for 100 years in racing, and that is that a judge in the race grandstand could take some jockey who had been playing games with his horses and suspend him for 10 days, though really he had no authority to do that, because it was a delegation that wasn't authorized. So the Racing Commission Act was amended four years ago or so, and there is a specific section in 15, I believe it is, that allows the racing commission to delegate.

11:20 a.m.

This was very, very important. We spent a considerable number of meetings with legislative counsel and members of the ministry, the Attorney General's department and so on, because it had to be very important to the commission to be allowed to delegate not only to judges of standardbreds and to stewards and the thoroughbreds but also to the Canadian Trotting Association, to various officials, directors of our racing--there were thoroughbred and standardbred.

But there was a saving section. And so much of what I read last night for the first time from the thoroughbred people who delivered their brief--I was a little worried about this delegation. They conveniently, or maybe inadvertently, forgot to mention the fact that in that section it says that any person who is aggrieved by any decision of any delegated authority does have the right to appeal to the Ontario Racing Commission.

But we delegate because of the convenience. If we didn't delegate authority you would need a commission three times the size with five times the budget. We can't be at every racetrack in Ontario, and so we delegate. But there is a saving grace section that any person can appeal to the racing commission, and of course that has been done on a few occasions as well.

But it's a wide open act, and I think the saving grace again is the fact that there is a Judicial Review Procedure Act. If they feel we have gone beyond the natural justice there are provisions in law now to preclude that.

Mr. Mancini: Did this change in the regulations come about because of a challenge made by an individual who was penalized and probably was aware that this delegation of power did not officially exist?

Mr. Hall: No, it really didn't.

Mr. Mancini: Why did they decide to change it all of a sudden?

Mr. Hall: Well, I have been with the commission for 17 years, and there have been a few cases in the Supreme Court where they challenged what they thought was the delegating of authority they had given to the Canadian Trotting Association, because what we did in fact was to adopt their rules at that time.

We don't any more, and they have been going with the single judge in the high court; they have never gone beyond that. But when the Racing Commission Act was amended we thought this was a

good time to clean that act up and make sure that we have the delegating authority. Most statutes do have delegating authorities.

Mr. Breaugh: It's interesting that even when we were at Mohawk we went through kind of the process. And it really occurred to me as we went through there that from a civil liberties point of view things get busted up pretty quickly there. If you went to another employer and the first thing he did was fingerprint you there would be a good deal of yelling and screaming; and if the second thing the employer did was to run a check on your criminal record there would be all kinds of yelling and screaming; and if as a condition of employment you had to blow into a breathalyser people would go to lawyers in a hurry.

There were people, your employees, doing things which it's kind of questionable whether a police officer could do and get away with. For no apparent reason somebody wants my fingerprints and wants to do a criminal check on me and wants to use all kinds of testing procedures on me. And we have entertained some discussion about furthering that testing procedure.

The interesting thing is, if you are going to use breathalysers, just precisely how accurate are they and how often do you do maintenance on your machinery? How well qualified is your staff? Is there any appeal from that? But there appears to be general consensus in the industry that all this stuff is okay. It's okay to waive all these things. What's going to happen if somebody does challenge your authority to do all of these things?

Mr. Chairman: Particularly the horses.

Mr. Breaugh: Well, never mind the horses; let's deal with the people for a little while. Horses might have a little trouble before a court.

Mr. Hall: I think it's a very good question. I think that the people in the horse business certainly realize that to maintain the integrity of racing you have got to have--well, if it's too hot in the kitchen, as Harry Truman says, you have got to get out of the kitchen.

This is a very tough sport. We have very, very onerous rules on trainers. The trainers' responsibility rule in pretty well any other type of environment would be something that they would be hollering about, but they themselves appreciate it. This is making an observation when I say "they." The horsemen themselves know that integrity must be maintained. The federal government sure knows it: they set down guidelines for parimutuel wagering. You have got a sport in which you are wagering, you are betting. The possibility of a criminal element is fantastic.

The Ontario Jockey Club has recently appointed a former revered police chief of the best police force in North America. They feel it's that important to have that type of--

Mr. Mancini: Has the police chief of Amherstburg quit?

Mr. Chairman: No. Torrance in Hamilton.

Mr. Hall: Obviously, you are not a member from the city of Toronto.

Mr. Rotenberg: He said the best force, not the smallest force.

Mr. Hall: I think it's a sport that you just have to police tremendously. When you get involved with breathalysers, forgetting for the moment whether they are properly administered or not, you're talking about two things. You are talking first of all about the safety factor.

If eight horses go out on the track and one of the drivers is inebriated it's much worse than the Don Valley at five o'clock. You're talking about eight horses going into a side, and I have witnessed drivers severely injured and horses killed. That's important. But also, if he is an inebriated driver and he causes a commotion then the betting public doesn't get a fair shake, because everything in the race goes out of kilter and horses win that shouldn't win because of the accidents in front of them.

But you have asked me a question I can't answer. I am not a constitutional expert, and I'm not a criminal expert. I agree with you that you are treading very dangerously on civil liberties. But isn't it amazing that I haven't heard anything from Mr. Borovoy and his associates claiming that this is a conflict of civil liberties. It's interesting, though, that I haven't seen it raised at all.

Mr. Hardy: May I interrupt for a minute? The interesting thing about some of the rules that you are referring to is that they have been put there at the request of the drivers, the trainers and the track operators. They are not something that has just been--

Mr. Breaugh: You never would get away with this unless there was a clear consensus among the participants that this was okay.

Mr. Hardy: That's why I was raising it as an example. For the drivers it's one of safety. They're putting their lives on the line.

I think the greatest athletes in the world are the jockeys who ride thoroughbreds, because they put their lives on the line every time they go out there. And certainly the breathalyser is something they--and the drivers of standardbreds--are entitled to have to make certain that whoever is there is in a fit condition.

Mr. Breaugh: Just precisely how do you get access to someone's criminal record? I recall that when I was on city council we used to get this about the taxi drivers. The local police force would come over and they would say, "You can't give it to this guy because..." and it would always be in camera and all very confidential. "I can't really tell you why not; but believe me, this guy shouldn't have a taxi."

We went through all of the routine about access to someone's

criminal record with the city solicitor, and it was very difficult and kind of touchy as to whether a municipal council could really see somebody's criminal record. On a couple of occasions I have had constituents who got into some difficulty with the law, and the chief and I always knew that in advance about it: "Well, Mike, I can tell you that this guy is on the dock, but I can't really show you the records." And yet at the jockey club you kind of push buttons and up pop the records.

How does that work? How do you do that?

Mr. Hall: I believe it's a rule where they agree to be fingerprinted, and once that's done the administration sets it in motion with the Ontario Provincial Police.

I think there should be one thing in the beginning that we should understand. There has been criticism of the rules of racing, but I think there is one thing that hasn't been brought out. With every major change to a rule the racing commission sends out notice to every professional body setting out a draft of the rule and asking for comments. And many meetings are held with representatives of the body so that finally when it comes out these rules are really the input we get from the industry.

I don't know when this particular rule about fingerprinting came in, but I have never heard of anybody who complained about it, interestingly enough. But I think it is a rule and--

Mr. McDonnell: I have had one complaint in the last 10 years about fingerprinting from a lawyer. When the need for it was pointed out to him and he was told that the late Conn Smythe thought it was the greatest thing in the world then the lawyer submitted his fingerprints. We have had one complaint that I know of in 10 years about the taking of fingerprints.

Mr. Breaugh: So it has been generally accepted. Do you actually get copies of someone's criminal record, or do you get something like what we used to get, which was kind of a report from the local police or from the OPP?

11:30 a.m.

Mr. McDonnell: We get copies of the record.

Mr. Breaugh: You get actual copies of the records. Can you kind of punch into an OPP computer, or what?

Mr. McDonnell: No, we do not have direct access to the OPP computer. We send the fingerprints down and they are checked for name and if the man has a record we will get a copy of the record for our files only, not for any of the tracks, just for the Ontario Racing Commission.

Also, as with to the liquor licensing board, there are two OPP officers assigned to the racing commission to handle some of the external investigations for us. They are assigned to us but they are under the jurisdiction of the OPP anti-gambling unit.

Mr. Epp: Who sees those records then when you get them? At the racing commission level.

Mr. McDonnell: Who sees them?

Mr. Epp: Yes.

Mr. McDonnell: Our head office staff.

Mr. Epp: Head office staff only? The commissioners never see them? The executive director or somebody brings to the attention of the commission, based on having seen those records, his recommendation?

Mr. McDonnell: I think basically what has to be clarified is yesterday I believe Mr. Juravinski said that anyone comes in and is automatically forwarded a licence. That is not quite correct. If a man has an arson conviction, if he has a gambling conviction and declares it on his licensing application, he is in no way granted a licence.

If a man comes in, he is asked if he has ever been convicted of a crime under the Criminal Code in the last seven years. They must record that and the disposition of it. He is also asked another question, "Have you ever been convicted of a crime involving arson, gambling?" Those are the two primary ones. Ever. He must relate those.

As I say, if the answer to that question is, "Yes" on an arson or a gambling conviction, that stops there and it is automatically referred to the head office.

Mr. Epp: The head office of what?

Mr. McDonnell: Our head office. We do all our licensing at the field level, at the track on site. You saw our girl there the other night. If you bought a horse, if you went in and filled in your application and were fingerprinted and ID'd, so be it, you are issued a licence. The fingerprints go down for checking and are reported back to us. When the fingerprints come back and you have a record as long as your arm and you did not disclose it, then we take action.

Mr. Robinson: What is the time lag in there?

Mr. McDonnell: We are talking about a two-week time lag.

Mr. Epp: In fingerprinting, who is fingerprinted?

Mr. McDonnell: Everyone.

Mr. Epp: Everybody, the owner?

Mr. McDonnell: Owner, trainer, groom, occupational.

Mr. Charlton: What do you do in the case of somebody who has a conviction somewhere in the past for some gambling offence? Do you automatically reject them or what is the process?

Mr. McDonnell: It is usually referred to the commission, depending on the man. If his only conviction was a found-in charge, we would bring him in and I would interview him. Based on my interview with the man, whether or not I wished to put it before the commission and grant a licence, if the man was fined \$1,000 for keeping a common gaming-house within the last couple of years, certainly that would have to be referred to the commission.

Mr. Hardy: (Inaudible) all cases are really (inaudible) on merits and as presented. As an example, in the period when we had the betting shops and we were not sure whether they were legal or illegal, certainly many persons became involved as employees at perhaps \$100 a week and they took the rap for someone who was never charged. Certainly many of those people are back on the racetrack with licences.

Mr. Mancini: There was a gentleman here yesterday who appeared before the committee and, contrary to what we have said this morning, he felt that people were being licensed too soon, they would go into the offices and be fingerprinted and fill out the application and they would get their licence. This gentleman felt that all of the information should have been received first on the individual and maybe several weeks later, when the commission was satisfied that everything was proper, then the licence should have been granted. I believe some of you may have been here yesterday when that was said.

Mr. McDonnell: As I say, there are certain cases.

Mr. Mancini: Do you recall that?

Mr. McDonnell: Yes, I recall, and this is what I said had to be clarified. Everybody just does not get their licence.

Obviously, if you come in and you put down on your application that you have no convictions, that there have been no criminal offences, you are an owner of a horse, you come in and say, "My horse is ready to race, I own it"--it might have been racing in Quebec, for instance--"I have been licensed by the Quebec commission; I bring my horse up here for a stake race," are we going to say to this man, "You are not going to be able to race that horse for two weeks until such time as we verify your--"

Mr. Mancini: I understand the comments you are making, but the presentation that was made to the committee yesterday seemed to indicate that people with criminal records and people who should not have been licensed were going into the offices and being automatically licensed, and then, some weeks down the road, the commission had finally been able to accumulate a file.

Mr. McDonnell: I do not think that man can substantiate that statement.

Mr. Breaugh: But they are not given a licence when they first apply?

Mr. McDonnell: They are. What I am saying is if a man comes in and there is no criminal record and he declares that,

there is no reason for us not to go ahead and license the man. As I say, he might be racing in Quebec and moves up with a horse up here and comes in to us because he must be licensed to participate in Ontario. What would be the sense of holding that licence up on that man for three weeks and stopping his horse from racing and in the meantime we are going to check him out before we grant him a licence?

What I am saying is that with any of the more serious charges that they must declare, the arson or the gambling conviction, they are not automatically licensed.

Mr. Chairman: That information can be gathered within 24 hours, can it not?

Mr. Epp: What you are saying is that if you are new and I walked in today and wanted to register and you did not know me, then it is quite likely you would not give me a licence right away.

Mr. Robinson: No, exactly the opposite.

Mr. Hardy: If your application did not indicate that you had any criminal charges in the past seven years, you would qualify.

Mr. Breaugh: If I wanted to make a pile of money tomorrow and fix a race at Mohawk, I could get somebody to go in and do the dirty deed which would happen tomorrow. I am not interested in the purse, I am interested in the bet. I make my big money and take off for Las Vegas and parts south, and some poor schmuck is going to be stuck with the criminal charges thereafter. The one who perpetrates the crime, who starts it all could make it happen, and your system allows that to occur.

Mr. Hall: If you had a licence or you did not have a licence, it would not make a bit of difference. If you wanted to go in for some nefarious purpose there are 27 ways to skin the cat. This two-week business is nonsense; it does not mean a thing really. It really does not mean a thing.

Mr. Mancini: Yesterday we had before the committee a person who has been highly involved in horse racing and he made a strong case that your licensing procedures were inadequate. Basically, I was just giving you people a chance to respond.

Mr. Hardy: Did he say at what level? Was he talking about owners, trainers, jockeys or all licencing?

Mr. Mancini: I do not have the statement in front of me, but he used the word "inadequate." I am sure the feeling he gave the committee was that it was loose and inadequate.

Mr. Hall: I cannot think of a single instance in the last 16 years where we have had this problem. It is the first time we have ever heard of it. Perhaps you could give us chapter and verse and be more specific, because a general statement really does not mean anything.

Mr. Mancini: The gentleman was here yesterday. You heard what we heard.

Mr. McDonnell: As I say, I take exception to that because I do not believe that to be right. Whether he knows our procedures or not, I cannot vouch for that.

Mr. Watson: Can you give us some idea of the numbers, how many licences do you issue and how many are investigated two weeks later?

Mr. Paradis: We issue about 18,000 licences a year. If there is an impropriety in the licence application with respect to a criminal record, which Mr. McDonnell has alluded to, with respect to an improper declaration as to status or category, with respect to the trainer or owner or something like that, not being an active participant, the licensing procedure, once the application reaches head office, is quite simple.

A thorough check is done by the head office staff on the application with respect to his qualifications as an owner--or trainer or driver for that matter--with respect to his being a registered owner of a standardbred. I will use standardbred as an example because all standardbreds are checked at head office, and whether or not the person has a criminal record. If he has put in an application then his fingerprints come back.

If there is an impropriety in that application, we have a procedure in our office whereby the man is given a chance to show cause why his licence should not be suspended for making false statements on his application.

Mr. Watson: What kind of procedure?

Mr. Paradis: He is sent a registered letter. If that is not satisfactory, if there is not a logical explanation or something like that, he is either fined or suspended.

Mr. Breaugh: Is it possible for a crook from New Jersey to come to Toronto and start over as a virgin, so to speak?

Mr. Paradis: No, because we can--you mean a racing crook or just a crook?

Mr. Breaugh: A crook. A guy who loves to fix horse races.

Mr. Hardy: Anything is possible, if people want to lie or perjure themselves.

Mr. Breaugh: But how do you pick that up? Is your security check kind of across the North American continent?

Mr. McDonnell: That is right. We belong to the National Association of State Racing Commissioners, of Lexington, Kentucky. All our rulings are fed into their computer. All New York's rulings are fed into the computer and New Jersey, whatever the case may be. If you come up to start racing in Ontario here,

whether you be a trainer, an owner, a jockey or whatever, we have instant access to that computer.

Mr. Breaugh: So you will pick that up.

Mr. McDonnell: They will give us all the rulings issued against you in the last five years.

Mr. Hardy: The other question was, is it possible? The answer is yes. If he wants to change his name, use an alias. If he wants to lie. It may take yime, but eventually it will be picked up, because a racetrack being what it is, persons of that type are known within the backstretch and to others and eventually that would flow to the top and the security of the racetrack would twig.

Mr. McDonnell: But bear in mind you are still going to have to have a trainer and you are still going to have a jockey involved with your horse if you are an unscrupulous character. The horse must be registered in your name. These people that take your horses and ride your horses certainly are well aware of the consequences of them being involved with a bad character. So I think there are some safeguards along the line. But as you say, it is quite possible. It could happen.

Mr. Epp: May I pick up on this? You mentioned something about the gentleman or somebody may perjure themselves. What happens if they have signed a document, they have said they do not have a criminal record? You find out two weeks later they do. I recognize they cannot race. You obviously are not going to let them race. What happens as a result of them making false statements? Are the police brought in?

Mr. McDonnell: No. They are sometimes fined.

Mr. Epp: By whom?

Mr. McDonnell: By us.

Mr. Hardy: No, but they would really be out of our control. We have never, to my knowledge and Mr. Hall has been around for 17 years, I don't believe the racing commission has ever charged anyone with perjury. But with a false statement of that type on a licence, immediately your licence is picked up and you are denied a licence and it is promulgated through the--

Mr. Breaugh: What we are saying though is that the premise is a little faulty in the sense that what Herb just said is not true. The guy could come in and in fact could probably race in Ontario before you picked up any past criminal record or falsification of records. That is possible.

What we are suggesting to you perhaps is that situation perhaps would be better if it were reversed. It would make immense practical ramifications if I could not do that.

Mr. Paradis: When you go back to the chairman's question about staffing and things like that, because if we had to preinvestigate all 14,000 standardbred licences and as many as

6,000 thoroughbred licences we issue on an annual basis--

Mr. Breaugh: Again, what I think is a little nuts about this is I could not drive a cab in Toronto until the check is done and licence is granted.

Mr. Hall: Oh, sure you could. People drive when their licences are suspended hoping to get away with it. How are you going to prevent it?

I think you get to the point where you are going to throw the baby out with the bath water here. I think the cure you are perhaps suggesting of the pre-investigation just does not make practical common sense from our experience. Most of the fibs that have been told have been just that. We rap them with a heavy fine of \$25 I think. That is the plethora of our cases.

These are people who really had some charge--14 years ago he was found in a gambling place--we do not come down hard on them

Mr. Breaugh: Your system is either really good or really lousy, one or the other, because you (inaudible).

Mr. Watson: Do you have an answer to the question that I asked? You gave me the figure, the number, on how many you fine. How many come back? How many people fib?

Mr. Paradis: How many rulings do we issue on something like that? We probably issue about 200.

Mr. Watson: Two hundred out of 18,000.

Mr. Paradis: Yes.

Mr. Watson: So there would be 200 that fib.

Mr. Paradis: For whatever the reason.

Mr. Watson: Yes. Whatever reason. How many of those 200 do you not settle and go after to the commission then--ball-park figures?

Mr. McDonnell: Twenty per year.

Mr. Watson: So one per cent are bad and 10 per cent of those have to go to the top.

Mr. Hardy: I think you should clarify, of those 200 received, would you reject the 200?

Mr. Paradis: No, we do not reject the 200.

Mr. Watson: No. Only 200 of the 18,000 would be questionable, that have some question on it.

Mr. McDonnell: They either have not reported it, forgot about it, whatever the case may be.

Mr. Paradis: There are a lot of small ones that we get--theft under and things like that--which we are obligated to check that they did not declare. Then you will get a phone call from either them or a lawyer or something like that. They are given more information from the lawyer, or whatever. No action is taken on it.

Mr. McDonnell: The big problem too is that we get the record of the offence, the disposition and the whole bit. What does not happen is that if the man appealed that conviction and he had it reversed, then sometimes we are not aware of that. The man will come back and say, "The reason why I did not inform you is that I appealed it and that charge was dismissed against me," where our records had just shown that he was charged and that would be his position.

Mr. Breaugh: It is discriminatory though in a sense that some guy who wants to work as a groom and torched a car when he was 14 would be denied right away and probably some gentleman who had defrauded the government of Canada of half a million dollars would be okay.

Mr. Hardy: That is not true. It is not in all cases--

Mr. Hall: No. But you are talking about the initial reject, that could happen if when he was a 16-year-old kid he had an arson conviction. We would hold the licence for the moment.

Mr. Hardy: That is right, but you said rejected. He may be investigated but not rejected.

Mr. Breaugh: So he would still stand a chance.

Mr. Hardy: Oh, sure. This commission is on record over the past years of the compassion, in particular, as you are suggesting, we recognize that many of the people on the racetrack all very nice people, some very highly educated, very successful, down to total illiteracy, which may come as a surprise in this day and age. But we have had people in front of us who have been totally illiterate. Too, we understand that young people go on the racetrack, particularly the standardbred at the early age of perhaps 14 or 15, and they get misled by adults. When they come in front of this commission that is taken into consideration at all times in dealing with the individual. I think this commission enjoys a reputation for that.

Mr. Breaugh: But it remains true that some useful person who might have had a conviction for arson would not get a licence and some--I can think of some very distinguished citizens in this town who have had convictions for rather large sums of money defrauding the government; they probably would get a licence.

Mr. Hardy: (Inaudible)

Mr. Hall: We utilize the same guidelines as the federal criminal courts. In other words, we take little cognizance of any crime committed prior to seven years, even murdering your wife. If

you murdered her 10 years ago, we would probably still give you a licence.

Mr. McDonnell: It's an area where perhaps you think we are overprotective and have a lot of red tape, but I submit to you gentlemen that the commission has a real responsibility as to who is on that backstretch. I say to you if we have a man pushing drugs, they would have a field day back in there with the grooms and the semi-educated people who are on there.

11:50 a.m.

What are the consequences if we get some person high on drugs throw a match in a stall? You can imagine how quickly that barn we looked at the other night would go up in smoke. We would look pretty silly when asked, "Do you mean to say that this man had a history of arson and you licensed him?" Or, "He had a history of drug-trafficking and you put him into that kind of environment?" When you see horses selling for \$475,000, such as at the thoroughbred sale the other night, I would be a little shaky to have my horse in a stable on those grounds.

These are the areas that the commission has a real concern with, and you have to have a concern with--the price of horseflesh, the price of equipment, plus the buildings that the racetrack has put up and they are not charging rents for them. I think there is a real onus on our part to get into the history of some of the people who are on our backstretch.

Mr. Watson: As a matter of interest, the other half of the system when checking them--if you have 18,000 applications a year to be checked, how often are they wrong? How often do they come back and finger somebody and say they have a record when that person, when the dust all settles, never does have a record?

Mr. Paradis: Interestingly enough, we just had one this year. A gentleman, who was from Quebec, got a licence from Ottawa to race at Rideau-Carleton, had exactly the same name, was from the same town and everything, and we sent him a regular letter and he called me up and said, "I do not know what you are talking about; I have never been in trouble." So we just checked it out and we sent him an apology. But that is the only one that I can think of right now.

Mr. Watson: So what you are saying is the police record system, in your opinion, then has never--

Mr. Paradis: It is pretty reliable.

Mr. Chairman: With fingerprinting you should not have any problem.

Mr. Paradis: Just a minute now. Fingerprints are the last means of checking. But what we are provided with is a Canadian Police Information Centre check, a name check.

Mr. Watson: That is all you are provided with then.

Mr. Paradis: Unless we have to go further into it.

Mr. Watson: Then, for instance, in your case in the last year, using the ball-park figures, the fingerprints were only used for 200 people.

Mr. Paradis: No. We did not use the fingerprints for 200 people. We used the CPIC check, and that is the only one I can think of--in all the show-causes and everything, fingerprints and so on that we have checked--where they gave us the wrong person. That person happened to be a person of the same town, the same name and the same relative age and everything else, and it was just one of those things. That person with the criminal record had nothing to do with horses.

Mr. Eichmanis: I may have some sort of general questions in relation to the act. I am referring to section 15(i)(a) where the act states, "The commission may adopt by reference in, or in part, such changes as the commission consider necessary: rules and procedures of racing associations or bodies," et cetera. As I understand it, you no longer have adopted the rules of the Canadian Trotting Association.

Mr. Hardy: That is correct.

Mr. Eichmanis: Is that section still necessary to be in the act?

Mr. Hardy: You are speaking of 15(a).

Mr. Eichmanis: Section 15(1)(a). This is on page four at the bottom.

Mr. Hardy: Oh, I am sorry, I was looking at 15(a).

Mr. Eichmanis: I have 15(1)(a). It is the italic (a). It is at the very bottom of the page, the last paragraph at the bottom of the page.

Mr. Hall: I think what would have happened is it was brought in at the time, a few years ago, when we needed it. We had always used our own thoroughbred rules and you know how difficult it is to implement changes to any statute.

I suppose the first question is: do we need that particular section? Probably not today, but we hesitate to take it out and then try and put it back in again. We would rather leave it in there and if we need it, we can use it. That is the simple answer. We do not usually adopt any other professional body's rules.

Mr. Eichmanis: There are really two sections; one is the adopt by reference section and the other one is to delegate the racing associations or bodies the power to, then the three powers are delegated to those associations or bodies. Do you need that section in there? Do you delegate to various--

Mr. Hardy: The appeal board would require that.

Mr. Eichmanis: The horse industry appeal board?

Mr. Hall: Yes, and we do need that because it just takes away a tremendous amount of administrative nonsense.

Mr. Eichmanis: Further on in section 2(b), which is the second section from the bottom on page five, "Where the rules of the commission promulgate or (inaudible) right from appeal to an association or body, any person who considers himself aggrieved shall appeal in accordance with the rules before applying to the commission for a hearing." That is the appeal board.

What you are saying in effect is that you need this prior appeal process before it goes to the full commission. Do you have any problems or any complaints about that? Do people not want to go to that?

Mr. Hardy: We have had them come where there is an appeal from the appeal board to the commission.

Mr. McDonnell: I think what the members must understand in the case of standardbred racing, we have something in excess of 1,550 days of standardbred racing. If you multiply that by 10 races per race program, and usually nine horses per race, therefore, you are involved with nine drivers, jockeys, whatever you want to call them.

Mr. Paradis: We have 15,000 races. We can have 1,500 and some programs. You probably have in excess of 3,000 rulings issued.

Mr. McDonnell: Per year, for minor infractions.

Mr. Eichmanis: This is for standardbred?

Mr. McDonnell: Yes. Supposing a driver came in on another driver in the stretch, like we saw the other night when a horse came over and impeded the progress, the judges would then come up and say, "That's a three-day suspension." The man appealed it. If the commission were required to hear those kind of appeals, a three-day suspension or a \$50 or a \$100 fine--last year, for instance, this appeal board heard 35 appeals of those rulings that the judges made, minor offences, under 30-day suspension or under a \$300 fine.

This appeal board is composed of three members that sit and those 35 appeals were handled in seven days of hearings. The decision of that appeal board can subsequently be appealed to the commission, which three were. Out of the 35 appeals three came back to the commission.

Mr. Eichmanis: These three members, they are from the commission or they are from the--

Mr. McDonnell: They are an independent board. The people who sit on that appeal board are approved by the commission. We do know who is sitting on that appeal board.

Mr. Eichmanis: Are they members of a particular association?

Mr. McDonnell: They would be constituted from the trotting association, yes.

Mr. Eichmanis: I guess this raises what Mr. Robinson raised earlier about the question of peers sitting, or a conflict of interest sort of situation where you have members of the trotting association judging their own members, if you like. Is that a problem?

Mr. McDonnell: That has not been a problem because the people who have been nominated to that board are people who have been in the industry for a period of time and may not be continuing in the industry.

Offhand one of the chaps is Roger Gordon from St. Catharines, who was involved with racing for a number of years. He is a lawyer from St. Catharines. He has not been active in the racing business for the past four or five years, but has a good knowledge of the business and seems to be able to handle these appeals with the proper procedure and so forth.

Another chap, who used to be the race announcer on a jockey club circuit time, at one time did own horses, and because of business commitments he is no longer actively involved in racing per se. He is a member of that board.

One of the former commission members now sits on that board because of his knowledge of the racing industry and because he had been an active owner-trainer-breeder at one time or other. So the makeup of that board has been good. It certainly has taken a lot of the work load off the commission.

12 noon

Mr. Eichmanis: You said only 30 cases or 35 cases?

Mr. McDonnell: Thirty-five.

Mr. Eichmanis: Out of how many?

Mr. McDonnell: I am talking about seven days of work load. There were 35 appeals and seven days of work load. All I am saying is that if that was required by the commission, an extra seven days on top of their administrative and policy making decision days and the the hearings that come from the thoroughbred side, you are looking at quite a commitment for the members of the commission to undertake.

Mr. Watson: (Inaudible) of the appeal constitutes a board--

Mr. McDonnell: The racing industry appeal board.

Mr. Watson: You have 10 members from which to choose.

Mr. McDonnell: Yes. They rotate. Our position is that the Ontario racing industry board of appeal is not an agency board or commission but a delegated panel operating on a fee-for-service basis under the direction of the Canadian Trotting Association. Therefore that section 15(1) of the act has to be there in order to make this an effective panel.

Mr. Eichmanis: It becomes a kind of a private appeal system.

Mr. Chairman: Like the Law Society of Upper Canada.

Mr. McDonnell: Yes, but always with the provision that any decision made by that board can come through the commission for rehearing.

Mr. Epp: Can I clarify the numbers here? I guess I got lost. You said there are 3,000 violations or something within a year?

Mr. McDonnell: I would say 3,000 racing violations--I have to qualify that--that would be under 30-day suspension for a fine under \$300. As I said before--

Mr. Epp: Which you would consider minor violations.

Mr. McDonnell: Which we consider minor racing infractions. I am talking about interference with a three-day suspension, a slow quarter where the judges do not believe that horses went quickly enough for the first quarter, or first half, and they might assess the driver a \$125 fine for that violation, backing off the field. Those types of infractions are, basically, strictly racing infractions and of a minor nature that the commission would consider. Positive tests, for instance, do not go to that board. All positive tests that involve drugs come right to the commission.

Mr. Epp: Okay. Of those 3,000 minor violations, give or take a few, 35 were appealed?

Mr. McDonnell: Last year.

Mr. Epp: Thirty-five were appealed.

Mr. McDonnell: They were appealed to this board, and it took seven days of hearings to handle them. Of those 35, three were appealed further to the commission.

Mr. Mancini: You stated a person might be fined for running a slow quarter and what you call having his horse backing off the field. Would you not consider that throwing the race, and would you not consider that to be very serious?

Mr. McDonnell: I do not think it is a question of throwing the race--

Mr. Mancini: Seriously, if you have a horse backing off the field, what else can you call it? If the judge feels that a

particular horse and driver were slow enough to be under suspicion and classifies it as backing off the field, if the judge feels he can fine a person for that, the ultimate conclusion is that the guy did not want to win the race.

Mr. McDonnell: That is not quite right. Supposing you have a race where normally the class of horses would go in 2:04 and they might go the first half in 1:02 and the last half in 1:02 to make up the 2:04. Maybe the driver's tactic, his idea, is: "Geez, if I save my horse and I get down to the the half in 1:04, then maybe I can beat the rest of these horses to the wire. If I get an easy trip on the front end with my horse, I can come home pretty quick."

It's not that he is throwing the race; he is trying to drive in such a way that he might be able to win the race.

Mr. Mancini: Then under those conditions it would be foolish to fine the driver and the horse. If a person is using legitimate strategy, how in the world can the commission, the judge or anyone, say it is right to fine and to put a blemish on a person's record?

Mr. McDonnell: You have to understand you are accountable to the public, and the public are aware of the times these horses can go in. I am talking about standardbred now. When you see a fast-class horse, or a \$30,000 horse, going down to the half in 1:05 when he should be down there in 1:01, then the public is saying, "Hell, the claimers are going that fast in this race."

Mr. Mancini: Let me put it this way then. What happens if the jockey is racing the horse and unfortunately he gets boxed in; do you fine him for that?

Mr. Hardy: I think maybe you must explain to him that it's an unfair tactic. The horse is capable of going in 1:02. He has something in behind him that is capable also of--

Mr. Mancini: Excuse me, Mr. Chairman, but I find it impossible for the commission to blemish a person's record in such a way as to say, "We believe you deliberately withheld your horse," and at the same time not to say, "Basically you threw the race."

Mr. Hardy: Hear me out. His horse is capable of going in 1:02. The horse behind him is capable of going in 1:02. He goes down there in 1:04. His tactic is, which is where the unfair part of it comes it, the horse behind him pulls to go around him. Now instead of going in 1:02, he lets his horse run. He is deliberately keeping that horse in behind him ready for an opportunity for him to pull. He then has the advantage over the other horse.

Mr. Mancini: Excuse me, but the question is why would you blemish a person's record with a fine and a suspension if these things are normal and part of racing?

Mr. Hardy: That is not normal and part of horse racing.

Mr. Mancini: Excuse me, sir, but you can't have it both ways. You can't say that a jockey and a horse have deliberately run a slow quarter or a slow half and at the same time say, "Even though this was deliberately done and we consider it an infraction, we don't consider the race to be thrown."

Mr. Hall: In the first place there is a rule of racing that says you must race to win. As long as we feel that person--

Mr. Mancini: Absolutely.

Mr. Hall: Let me finish; I have to answer this. If they are racing to win and they use that tactic, they may be penalized, but please don't overemphasize this blemish on the record because factually it's nothing more than like a parking ticket that you might have got last week.

Mr. Mancini: Absolutely not. If I go to a race and put two dollars on a horse to win and my horse loses, and I find out later that your commission charged that driver with holding back the horse, I have no alternative but to believe that the driver deliberately did not want to win the race.

How can you have the nerve to charge a driver for such an offence? You people are trying to have it both ways there. I think what bothers me the most--

Mr. McDonnell: (Inaudible).

Mr. Mancini: Excuse me, sir, I think what bothers me the most is that you don't want to say the driver threw the race because of the adverse publicity it would give to the racing industry.

Mr. McDonnell: That same man who got fined could very well end up winning the race. There is no question about it. Through his driving tactics he could end up winning the race.

Mr. Mancini: How often does that happen?

Mr. McDonnell: A lot of times.

Mr. Mancini: I can't see how a person could be fined for winning the race. If he is losing, logic and strategy--

Mr. McDonnell: If he sits on the front and he starts backing into the field, slowing that field down so that they all jam up, then the fellow behind him pulls because obviously he is not satisfied with the pace of the race. Then the guy on top goes right on and here is the poor guy on the outside who is parked for the last half mile. It's not fair to him.

Mr. Breaugh: My problem was I had one who did that on me the other night, but he was doing it from the back of the pack.

Mr. Hardy: He was holding up the water wagon also.

Mr. McDonnell: There are rules and if the judges believe

the horse was driven in a design to prevent him from winning, that is a very serious offence. The infractions I am talking about here are not of that nature.

12:10 p.m.

Mr. McLean: Mr. Chairman, from what I observed the other night, I think the commission is doing a fine job. The only concern I have in the whole spectrum of racing is what Mike dwelled on earlier on. That is the only thing that concerns me and I am wondering if there isn't something that could be done in your rules to make provisions to cover the certain one that was mentioned.

It looks a little obvious to me that that person could have a conflict. It leaves something to be desired as far as I can see. The only area of concern I have is when a man who wins as much money as he does has some say in where the money goes, for stake races, promotion of breeding and type of thing. I think if there is some way that you could cover that up--.

Mr. Breaugh: Not cover up.

Mr. McLean: --cover it up legitimately. That would be my concern.

Mr. Breaugh: What about all the races that happen, say, at the little fairgrounds, not places like Mohawk or Greenwood. Do you have jurisdiction over that kind of track activity too? Obviously the conditions are much different from those at a recognized track like Greenwood and Mohawk. There is a hell of a difference between the Napanee fall fair and Mohawk Raceway. Theoretically I guess the same conditions are supposed to apply, but do they?

Mr. McDonnell: For clarification, we do not supervise meets of less than seven days. I am talking about the fall fairs that are--

Mr. Breaugh: You are just not at those then.

Mr. McDonnell: No.

Mr. Breaugh: Even though they do have betting privileges at those little tracks now.

Mr. McDonnell: Agriculture has a man there to supervise the betting. There is no urine testing done at those small fairs.

Mr. Breaugh: Isn't that kind of screwy?

Mr. McDonnell: The amount of money they are handling is very limited. There are three judges there and they must be accredited judges. We do not pay them. If we were to take on the responsibility of supervising those, put our people in and charge these agricultural societies a daily licensing fee in addition to what they are paying in purses, there is just no way that they could have the races.

Mr. Breaugh: Isn't that a little aspect though of racing in Ontario? It's pretty well catch-as-catch-can now.

Mr. McDonnell: We have 52 days of what we call unsupervised racing, primarily at the local fairs. They are going for probably \$200 per race or a blanket or whatever the case may be. But there is no urine testing done and they do have portable parimutuel equipment.

Mr. Breaugh: The whole operation is kind of amateur.

Mr. McDonnell: That's right.

Mr. Paradis: The other thing too is that drivers who drive and participate at those things sometimes are nondriving trainers, although most of them are licensed. Another thing about it is that many of the race tracks--I don't know if you noticed that; you mentioned Napanee--such as the Odessa fair, the fair at Orono and things like--are not legally acceptable tracks with respect to length, photofinish equipment and so on, and you may have maybe four horses in a race because that is all the tracks will accommodate.

Mr. Breaugh: What about quarterhorses? We have more quarterhorses in our region now than I think in its history. There are something like 25,000 quarterhorses in the region of Durham and they are into racing, and they have betting privileges as well.

Mr. McDonnell: With regard to that, Mr. Breaugh, it is quite true there is that number of quarterhorses. Primarily they are saddle horses and show horses as opposed to the actual quarterhorse racing identity. Picov Downs conduct matinees on Sundays from the middle of May through the first part of October.

They do have parimutuel betting at Picov Downs for the four Sundays that the thoroughbreds are not at Woodbine. They have portable parimutuel equipment. We do send a steward down for those four days at Picov when there is parimutuel betting plus the three days at Markham Fair and we do supervise those tracks.

Mr. Breaugh: But that is the extent of supervision?

Mr. McDonnell: That is the extent. On the matinee dates when there is no parimutuel betting involved or anything like that, we do not supervise.

Mr. Robinson: We have just been handed a submission by the Canadian Standardbred Horse Society--unknown except it is on their letterhead--you probably haven't seen it but one of the things that comes as something of a surprise to me based on something we saw a Mohawk the other night is here in section B:

"Urine test barns: The general condition and sanitation of post-race urine collection barns are atrocious and we feel someone should take the responsibility of improving them, particularly at the smaller tracks."

Was what we saw at Mohawk the other night the exception to the rule?

Mr. McDonnell: Not really. Secondly, our problem here is this is under the federal Department of Agriculture. It is a little out of our jurisdiction--(a) pre-race blood testing and (b) urine test barns. We certainly could deal with (c) and (d) on that letter but the first two areas are strictly a federal responsibility.

Mr. Robinson: Just by way of comment, would the commission generally agree with the statement in here that the conditions are atrocious or is that again something that may not be well founded? Just from your observations, I am not asking you to comment on a federal facility.

Mr. McDonnell: I have been to quite a number of the smaller tracks this year. I would say probably out of the ones I have seen there would perhaps be one that would warrant that comment.

The federal Department of Agriculture regulations are pretty specific as to what they have to have, the accommodation and so forth required of these racing associations for their testing facilities.

Mr. Chairman: As far as the judging and advertising, I guess we have talked about both of these items this morning.

Mr. McDonnell: On the judging aspect, Mr. Chairman, as you are probably aware, we took over complete control of the judging in November 1979. Prior to that time on standardbreds the Canadian Trotting Association had two judges in the stands and the commission had one judge. Consequently, that was the reason for adopting by promulgation the CTA rules and how it worked up to that time.

In 1979 the Alberta commission and the BC commission and our own commission took over completely the judging aspect of all standardbred tracks. By virtue of the staffing situation we took over a number of the judges who had been in the CTA's employ. We have rated these people as to their capabilities and their remuneration accordingly and this year, realizing some of the shortcomings, we have gone into a fairly extensive training program for all of our judges and stewards. This is the first year we have had that in our operation.

In addition to that we have done a procedural manual for all judges to follow. In addition to the rules there are certain procedures the judges must follow in respect to hearings, the writing of penalties, how hearings must be conducted, proper and due notice being given to the participants and so forth.

Mr. Watson: Are you short of judges?

Mr. McDonnell: We are not short. We certainly haven't a surplus. With the judges that we have we can adequately service the meets that we have to look after. Our problem comes if we have

anyone off for an extended period of time or sickness, we just don't have swing people to move in there.

Mr. Watson: A year or so ago I was connected with Dresden when they wanted some extra dates and apparently the dates were not the problem, the problem was the judges were not available.

Mr. McDonnell: I was there at that time.

Mr. Watson: Has that problem been corrected?

12:20 p.m.

Mr. Hardy: (Inaudible)

Mr. McDonnell: What we do by way of race date applications is they are usually sent in October of each year. The commission administration and the federal Department of Agriculture meet to try to resolve the date situation as far as conflict, as far as personnel is concerned, and so forth. In January when those dates are released and approved, then we are confident that we have the staff to service those.

In that situation we would probably have a man working Dresden three days a week and Woodstock one day a week. That would form a circuit and we schedule all our people on the basis that once the dates are allocated we then allocate the supervision of those dates with the resources we have and the number of days we can work our judges.

I think the situation you are talking about was after the fact. We just did not have the people there to put in on those additional days that Dresden requested because we had scheduled those judges somewhere else.

Mr. Watson: I sympathize with the fact that where you have two competing markets but the reason that you just haven't got enough judges trained to do this didn't satisfy me too well although I realize the circuit thing.

Mr. McDonnell: This is what we are faced with and, as I say, we like to finalize our dates at the beginning of the year so that there is no problem of lack of men. Up until the time dates are allotted, we are at a quandry as to what it is going to cost us to supervise those tracks. Once the dates are set we then allocate the responsibilities to the judges for X number of days because we try to work them at least 215 days a year on a permanent spot.

Mr. Hardy: I think that answers your question. We do not have surplus judges. We don't allow for it in the budget. As Mr. McDonnell said, we don't have adequate funds for what we consider would be a good training program. We are certainly striving to improve that situation.

Mr. Watson: Are all judges permanent employees, full-time employees? Do you not employ people on a per diem basis to do judging?

Mr. McDonnell: I have to explain it to you. Economics does not dictate, for instance at Sudbury, that we would send three men up there to work that particular track when they are only going two days a week, Wednesday and Saturday. What we do is, we do send one senior man up and we have two men up there who are on per diems and who work only the Sudbury track.

If we send our permanent men up there, to send three men up there if I can't use them anywhere else, cost-wise it doesn't make sense. For only two days a week--Wednesdays and Saturdays--it just doesn't make sense to have three of our full-time employees sitting there, so there are occasions where we do utilize per diem employees.

Mr. Paradis: Just for your interest there are 21 full-time judges on the standardbred side and we have 10 per diem people.

Mr. Mancini: What are their salaries?

Mr. Paradis: Salaries range from the bottom of the day (inaudible) AM 18,000.

Mr. McDonnell: Better tell them what that means.

Mr. Paradis: I am sorry, say \$22,000 to \$34,000.

Mr. Mancini: What is the per diem rate?

Mr. Paradis: The per diem rate is based on experience and that is either \$110 or \$125 per day.

Mr. Chairman: What do the members of the Legislature get?

Mr. Mancini: It is more than the members of the Legislature.

Mr. Chairman: Mr. Hardy, you made a comment that you would like to see more potential judges trained. Can't you go ahead and do that?

Mr. Hardy: Not with the present budget that we have. We have no allocation there for it. We have in the past. I think it was back--when was the last time we had an allocation for trainees?

Mr. Paradis: It was three years ago.

Mr. Hardy: Like all government department or government controlled agencies, we are certainly being pushed for zero budgeting which we are trying to do. Just think of Toronto, I think there is a need for additional dollars in this particular industry through the Ontario Racing Commission and there are more things than judges.

We are fighting for an amount of dollars for a market survey. One that we carried out five years ago, now has to be updated. I think it was the first one ever done by the commission.

Mr. Chairman: Was the one that was done five years ago ever acted on?

Mr. Hardy: Very much so. As a result of that we now regulate the racing dates through a sector system. That was derived from that, and for conflict of dates we learned from that survey that in a 50-mile area, what should be considered as a particular market area, and we should try to prohibit infringement on the dates of another racetrack.

We feel now is the time to do it. Because of the way this business has grown, we feel that another study should be carried out. We applied for it last year but we did not get the funds for it. We will be doing it again this year.

Mr. Chairman: The old one updated? I notice one of the comments the Canadian Standardbred Horse Society makes in that letter to me is they suggested all qualifying races be filmed. They are not filmed now?

Mr. Hardy: I do not believe so. I have to turn to the expert. I should say to you that this commission--

Mr. Chairman: I do not know why that is there. Is that supposed to be a process of training for judges or something?

Mr. McDonnell: It evolves over a problem the president had at our track at Orangeville that I am aware of. The photo finish and the video of the races in question at the tracks are under contract to the federal Department of Agriculture, the federal government. Their responsibility is to supply videotapes when there are races with parimutuel betting on them. That is when they supply the videotapes of the race.

Our problem is that qualifying races are held at times other than when the race programs are going on. It is usually at 5:30, perhaps on the same night as the races. Our judges are there but the camera operator is not. As I say, it is outside their terms of reference.

What happened was that in this particular instance there was some interference. It seems it happened on the backstretch at the three-quarter pole and the judges missed it. They were trying to look at it through binoculars, and they just did not see the infraction that was supposed to have taken place. Consequently this man became very upset because they had charged his driver with the infraction when in reality it was someone else. What it amounted to was the man had to go back and requalify his horse.

As I say this is something that we have no control over. The videotapes for all intents and purposes are aids to the judges. I am saying that this particular problem could have very easily happened. Judges are not infallible, and it did in fact happen.

We really do not have any jurisdiction over that, Mr. Chairman.

Mr. Chairman: The other point to make in regard to

advertising, is not the main responsibility for advertising really the track owners?

Mr. Hardy: I agree and I think I could qualify that. There are some racetracks that can afford it. The jockey club can afford to advertise. It can work with the industry.

Certainly at racetracks such as Clinton, Elmira, Woodstock, Leamington, Goderich, Kingston, and Belleville, the people are betting perhaps \$60,000. It is owned by private enterprise, and they are losing money rather than making money. What little they make is going to the community and the amount that is made is perhaps at the end of the year, the bottom line, you might see flowing down there \$5,000 or \$6,000, with purses of \$200 to \$300 or \$400.

As I say, it is the backbone of the racing. It is impacting on the quality of life, which we feel is very important. I say that with sincerity. They really do not have the financial facilities to advertise and promote as we think they might. Even the major racetracks such as the London, the Western Fair, Kawartha Downs, I think they should be getting some support from us because the commission, and through the commission the government, is enjoying something in excess of \$50 million in the way of income, and that industry is entitled to get something back in the way of support in its merchandising.

12:30 p.m.

Mr. Breaugh: Is that not one thing that really is screwy about racing in Ontario, that you have a (inaudible) public, private, federal, provincial, all of that. I believe that the only reason the federal government is involved in racing at all is to get a lock on some of the money, because there is no sense to me why the track is privately owned, the Ontario Racing Commission is supervising the thing, and off in the corner is a barn with two or three federal civil servants in there.

Mr. Hardy: The federal government (inaudible) no money out of it, half of one per cent, or something.

Mr. Breaugh: Why do we not, at some point in time, all sit down and say, "Listen, why do we not have the Ontario Racing Commission in Ontario, totally, and get the federal government out of the act"?

Mr. Chairman: Including the Criminal Code?

Mr. Breaugh: I would not mind doing that. Again, the mix of public and private. When you get a private track operator in here and basically he is rabid free-enterpriser trying to make a buck, and all he wants is the government of Ontario to subsidize his operation. If he is a rabid free-enterpriser, let him run the track. What is he in there looking for government money for? Or run it the other way. Can we ever sort that out?

Mr. Hardy: I do not think it is quite that easy, saying they go looking for subsidization. I think we have to recognize

that they are restricted in their control. The amounts of dollars that can be withdrawn are set, and this particular government is taking seven and a half per cent. At least seven and a half per cent of those dollars out, so they are a partner. I think that is the best way to look at it. They are, in fact, a partner with the racetracks, and a pretty good partner. They are the biggest partner.

Interjection: What is the federal government--

Mr. Hardy: As the chairman has indicated, through the Criminal Code.

Mr. Breaugh: That has nothing to do with mares' urine. You have the Ontario Provincial Police which seems to run fairly well, and every once in a while the Royal Canadian Mounted Police comes in and does a few things, but is it necessary to have two and three levels of government functioning at a racetrack? I know the big money is there and all that, but would it not be more sensible to have one level of government look after that?

Mr. Hardy: We cannot quarrel with that. We have had very little quarrel with the relationship with the federal government with the exception of, on occasion, dates where we believe that is totally, or should be, the responsibility and authority of the Ontario Racing Commission. There is disagreement with that but no one, certainly government, did not see fit to take it on as a jurisdictional fight with them. We have been negotiating around it.

Mr. Breaugh: And at the other end is a kind of funny--I could see that when we were touring Mohawk--I thought it was really strange, the racetrack is sort of in the motel business, and setting little rules about who can stay in their motel, and who cannot.

Why do they have it there? When you go to justification courses, the pay scale is so low, and it is kind of an apprenticeship program that is at work there. How did we ever get involved in that one?

Mr. Hardy: I do not understand your--

Mr. Breaugh: You have a motel of sorts, or a residence--

Mr. Hardy: You mean for the stable hands?

Mr. Breaugh: Yes, at Mohawk, where the grooms stay, and the male grooms stay inside the barns in the bunks, and female grooms, if they are behaving properly, and do not mess around, get to stay in a nice motel, but if they do mess around, they kick them out of there into a trailer park. That, I have a little difficulty justifying.

Mr. Hardy: That is private property, they are at liberty to do whatever they want.

Mr. Hall: Private property rights is a very difficult question that has been adjudicated a few times, and I think it is

going to be adjudicated a few more times as to where the sphere of influence of the Ontario Racing Commission comes, and where we can really get ourselves involved in this personal property business.

Mr. Breaugh: The new Human Rights Code is going to bring quite a few interesting wrinkles in all of that, because there are a lot of--I think it is really difficult to describe why a racetrack has those facilities in the first place and in the end, is it really such a great thing to be a groom and get to sleep in the stable? No matter what you do to a horse stable, it is always going to be a horse stable.

Mr. Hall: Of course, nobody led them into slavery. They have the option. You have got these kids who come in, they want to be near horses, especially the better kind, maybe not the better kind; they administer to them, they live with them, they breathe with them, they wash them, they clean them and they become their children. I suppose the most convenient thing is to live right beside them.

Mr. McDonnell: I think there is another aspect as well about it. If I have a \$200,000 animal and I leave at five o'clock and I am going to come back the next morning at seven, I think I would sleep a lot better knowing that I had a groom who is there. He may not be able to do what I could do, but at least he is going to get on the phone and tell me if that horse gets down in the stall at night and needs a vet right away, rather than me coming in at seven o'clock the next morning and find the horse dead.

Mr. Paradis: The other aspect, too, especially at Mohawk, when you are dealing with large public stables as they are there, is that many times the trainer and the assistant trainer, because they do not race just at Mohawk, may have a horse in Chicago and one in New York and they may be on a plane some place with that horse. They, again, appreciate the security factor and the fact that the horse is under constant surveillance and having constant attention.

A lot of trainers, whether it be thoroughbred or standardbred, are very, very particular on feeding times, feeding quantity, the amount of water the animal gets, the amount of exercise or walking and everything like that. They are all on a schedule and things have to be done with timeliness. This is another reason why at major stables, especially, grooms' quarters are established.

Mr. McDonnell: The other thing, too, with the help problem there is today, grooms--I am talking about capable grooms--I guess maybe 10 years ago we might have had 10 or 15 female grooms on the backstretch. This situation has completely reversed. The trainers feel now that female grooms are a lot better, they are a lot more dependable, they take better care of the horses.

When you get a place like Mohawk, and you move in 700 horses and I do not know what number of girl grooms would go there, where are you going to accommodate these girls? There are just not that many boarding houses, there is no living accommodation within any

distance of the track and I think the jockey club has to be commended on building these type of dorms and making the surroundings presentable.

There was a time, I guess, a few years back, when females and males shared those tack rooms and I can tell you there were a lot of problems. Consequently, the jockey club in their wisdom set up that motel-like unit.

I was telling some of the members the other night, we had problems with the human rights commission where a female groom was complaining that she did not want to stay in the dormitory, she wanted to know why she could not live in a tack room, notwithstanding all the amenities that the motel complex offered. She thought she was being discriminated against because they would not let her stay in the tack room at the end of the barns we showed you the other night.

These are areas, I think, that the tracks themselves have recognized, that they have to bring the accommodations up to par and do something for these types of people who are attendant upon horses.

Mr. Epp: Mr. Chairman, I have a few questions. Yesterday Mr. Juravinski, I believe, indicated that the various tracks were short of breathalyser equipment. He felt that they should have more available and that the commission should make it available to the tracks.

Is there a relatively good chance, having that recommendation before the committee here today, that the commission could seriously look at providing that for the large tracks so that they might check the drivers maybe on a random formula basis?

Mr. McDonnell: We get back again to the cost factor of putting that type of equipment in. I do not think the initial cost of the equipment is that great. The bigger units we have at a cost of around \$4,500 per unit. The other problem is that the staffing of that breathalyser requires someone who is trained and recognized and competent.

12:40 p.m.

The situation that he was talking about, the ALERT system, which is the small hand one, is not infallible by any means. We have that, but by the same token we would not take a man off a drive just by reading on that ALERT. We have the big unit set up and if he shows up on the ALERT we will then take him in and put him on the big unit.

Mr. Epp: The person from Mohawk, for instance, to whom you introduced us the other day, was qualified. I think her name was Pat something.

Mr. McDonnell: That is part of our affirmative action program. She was a licensing clerk with us. We did send her to the

police college to be upgraded in forensic sciences to understand that.

Our reason for doing that again is to try to utilize our people more. Pat's job is primarily the licensing aspect. Once you get over the hump of licensing it dwindles off, so if we are paying that girl to be at the track there is no reason why she cannot on a random basis.

It is like anything else, if you had it there every night, the cost factor is there. Some nights we put it in after the fourth race, because if we put it in before, we might have a raft of fellows getting sick all of a sudden. This way we put it in after the fourth race or after the third race on a random basis.

I know it is done in the States. I do not think that the number of people we catch on it is that great. It is the same as having a radar operator on Yonge Street 24 hours a day because people are going to come out of the bars and you are going to catch them.

Mr. Epp: Let me go back. You said a raft of fellows may get sick. Do you mean to say that they have been drinking but all of a sudden they were--

Mr. McDonnell: They got playing games with us. Because of doing it the way we have to, this big machine takes time to warm up. We have two agents who go to various tracks on different nights to put the breathalyser in on a random basis. What was happening was they got a little cute with us. If they were drinking and they saw it in, then they would just phone in and say they were sick, they could not drive that night. To overcome that situation we have now put it in, as I say, after the third or fourth race. They do not know when we are putting it in. That has worked well.

I do not think the concern is that great. We probably know some of the drivers who have problems. By saying that the man is going to go out on the track inebriated, I think is twofold: Even though the breathalyser is not there on a given night, we have provisions in our rules. If the paddock judge who is employed by Mr. Juravinski is doing his job and he has reason to believe the man has been drinking, there is a provision in the rules that he can take him off the card and substitute a driver. That can be done.

The other thing, too, is that there has to be a criterion about a \$25,000 horse and this is my livelihood. I do not give a damn how good friends we are, if you are stoned I am not going to go out there with you and risk my horse, my investment, my equipment, my livelihood because you are a friend of mine, but I am not going to squeal on you. I just do not believe that.

Mr. Epp: I may disagree with you a little bit. We were talking earlier about records and the keeping of records, particularly with respect to criminal records they get from the police department and so forth. You indicated that the administration sees it, and particularly the executive director,

and takes that to the board and so forth. Do you make any copies of that?

Mr. McDonnell: No.

Mr. Epp: Just one copy, and what happens to that copy once it is--

Mr. McDonnell: That is retained in the man's licensing file under lock and key.

Mr. Epp: The other day this lady was taking our bets. When you hire people to work in that capacity, do they get any particular training or how are they hired?

Mr. McDonnell: That is track management.

Mr. Epp: That is all track management.

Mr. McDonnell: That has nothing to do with us.

(Tape 1245 follows)

Mr. McDonnell: That has nothing to do with us.

Mr. Epp: I should have asked that of Mr. Juravinski yesterday.

Mr. McDonnell: He does not have that runner. The jockey clubs are the only tracks that employ a girl that would take bets from your table.

Mr. Epp: So they employ everybody.

Mr. McDonnell: The messenger betters in the clubhouse. To my knowledge that is the only track operators in Ontario who perform that service as far as having a messenger better come to your table in the clubhouse and take your bet.

Mr. Epp: The only place that happens in Ontario in the dining room?

Mr. McDonnell: Yes. Windsor did have it when it first opened but it was discontinued.

Mr. Epp: It does not happen at any of the other tracks either?

Mr. McDonnell: No.

Mr. Epp: Did it happen at Garden City when Garden City was operating?

Mr. McDonnell: Oh yes, it was a jockey club operation.

Mr. Epp: Yes, because I thought it did. I was there about five or six years ago when that was still operating and I thought that--

Mr. McDonnell: That is true because it is a jockey club operation. All Ontario Jockey Club tracks have that service but none of the other tracks in our jurisdiction do that.

Mr. Epp: With that kind of service, based on your knowledge, the jockey club obviously trains these people for those positions.

Mr. McDonnell: They train them for those positions. Those people are also licensed by us.

Mr. Epp: What is the restriction on them betting or something of this nature during the evening? Is there any opportunity for them to bet or is it completely prohibitive as far as them betting for themselves and so forth during working hours?

Mr. McDonnell: I would only be surmizing.

Mr. Breaugh: How is it legal for that woman who came to my table, take a bet verbally and I watched her go over to a phone and phone it somewhere. How is that legal and somebody cannot come to my house and verbally take a bet and phone it somewhere else.

Mr. Paradis: Under the amendments that they have--it has always been there because it is on track premises. On a racetrack you are allowed.

Mr. McDonnell: It is being put through their totalizer.

Mr. Paradis: It is put through the tote system so it is on the racetrack.

Mr. Breaugh: That is what makes it legal.

Mr. Paradis: Yes.

Mr. Breaugh: So at a racetrack I could not set up shop down in the pits and take a few on the side?

Mr. Epp: One other question. You spoke earlier of a market survey and Mr. Juravinski yesterday indicated that the track owners from time to time do polling. I presume you are using the word market survey in the same context as polling; in other words, synonymous with polling.

Mr. Hardy: No. I think that what Mr. Juravinski is doing in polling, he would be trying to establish where his customers came from. I do not know what racetracks do but certainly they do not carry out the same type of in-depth survey, not to my knowledge, that we did carry out and want to carry out again next year.

Mr. McDonnell: Our concern would be--basically the studies we are looking at is what radius do the patrons come from? What tracks do they attend? Do they attend Barrie, Orangeville, Greenwood. Or do they attend Orangeville, Elmira, Flamboro. Different times when we have heard about race dates, I can think of three tracks that basically--well, four, Mohawk, Elmira,

Orangeville and Flamboro all state that a portion of their patrons come from the Cambridge-Kitchener area.

These are some of the problems we have in trying to allocate dates and so forth. In that area, Flamboro, Mohawk and Elmira, which is fairly close, we have racing 360 days of the year in that particular area.

I guess what our concern is or the concern of the commission is the saturation of racing dates. Do we just keep granting them holus bolus and eventually everybody is affected or do we try and keep the quality of racing up? The other big concern is the availability of horses. Horses are a prime concern and the quality of horses as to whether a track is successful or not.

12:50 p.m.

If you have quality horses the public are going to bet X number of dollars on that type of animal. If they are a lower calibre, then you are not going to get the same kind of play on those animals because they are not consistent, they have problems.

One time I was before the estimates committee here and one of the members was trying to tell me that the public would bet, it did not matter what calibre of horse they were, they would bet. Statistics will prove that more money is bet on your better calibre of horses. These are some of the concerns the commission has.

Mr. Epp: Then they would bet on mules.

Mr. McDonnell: That is right.

Mr. Epp: If you accepted that principle.

Mr. McDonnell: The thing is there has to be a concern for the availability and calibre of horses too. The man who has the small investment, he is always going to squawk that he does not have enough places to race his horse. It is not a question of there is not enough places to race his horse, it is the question of the quality of his horse. That is the reason he cannot get it raced. These are areas we hope this study would bring us up to date on. The other one did anyway.

Mr. Epp: When you are talking about studies, are you talking about on-ground studies? When patrons come in you give them a questionnaire and ask them to fill it out while they are there and hand it back or whatever? You are not talking about hiring Goldfarb and doing a survey for you?

Mr. McDonnell: Yes.

Mr. Paradis: Total marketing.

Mr. Epp: Exclusively to Ontario?

Mr. Paradis: Yes.

Mr. Epp: Or do you start doing New York State too because of Fort Erie or something?

Mr. Paradis: No.

Mr. Epp: Or Detroit because of Windsor?

Mr. Paradis: They may decide to do that in their scope. In their terms of reference that may be--

Mr. Hall: The impact of Detroit on--

Mr. Paradis: In the terms of reference which would be framed before the actual study would take place. The commission now has given terms of reference to the deputy and is waiting for, hopefully, approval for the funds to go to tender for the study. But we have been waiting quite a while now.

Mr. McDonnell: I guess when our commission stop and we hear this complaint about not enough racing, we just received this morning the National Association of State Racing Commissioners' 1980 annual report. In Ontario, we have more racing than any other jurisdiction in North America--New York, Illinois, Florida, included, as to the number of race days we have in Ontario.

Mr. Chairman: I think gentlemen some other members that have questions, I do not think we can finish certainly by one o'clock. I would suggest we adjourn and come back at 2 o'clock.

The committee recessed at 12:53 p.m.

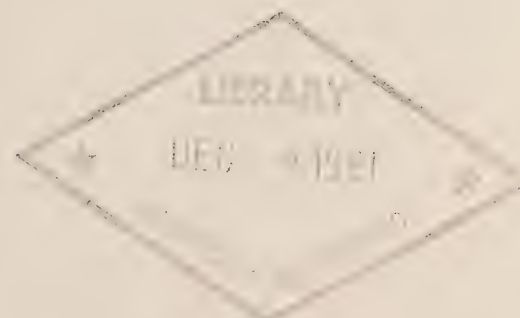
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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

AGENCY REVIEW

THURSDAY, SEPTEMBER 17, 1981

Afternoon sitting



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breagh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Pern L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Piché, R. L. (Cochrane North PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Watson, A. N. (Chatham-Kent PC)

Clerk pro tem: Arnott, D.

Research Officer: Eichmanis, J.

Witnesses:

From the Ontario Racing Commission:
Hall, R., Counsel
Hardy, N. E., Chairman
McDonnell, W. R., Director
Paradis, F. C., Secretary-Treasurer

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, September 17, 1981

The committee resumed at 2:17 p.m. in room No. 228.

AGENCY REVIEW

Mr. Chairman: We shall reconvene this meeting. Herb Epp is still here. Have you finished with your questioning?

Mr. Epp: No. I am starting, Mr. Chairman. Thank you.

Let me go through a number of things. First of all, yesterday we heard Mr. Juravinski. He was commenting about offtrack betting and was mentioning that obviously the racetrack owners are very much opposed to offtrack betting. And he felt, of course, that the thoroughbred owners would probably favour something of that nature, but the betting association, certainly the racetrack owners, were opposed to it. Where does the commission stand on that?

Mr. Hardy: We take the position that it's just something beyond our jurisdiction, and we have made no submissions. We have been asked for none, and we feel that they are something that are beyond our scope.

Mr. Epp: Why is that?

Mr. Hardy: In gambling we feel that we are here to administer the act and the regulations, that the betting side of it is really a government policy, federal and provincial, and that we should not be playing a part in it. If we are asked for a submission, then we will prepare one, but at this point we are not in--

Mr. Epp: You haven't been asked for one.

Page five of the regulations--

Interjection: Of the act.

Mr. Epp: Yes, of the act. Pardon me.

Section 2, page five: "Subject to subsection 2b, any person who considers himself aggrieved by a decision of a person delegated by the commission under a rule made under subsection 1 or by a decision resulting from a hearing held pursuant to a delegation under subsection 1a is entitled to a hearing by the commission, and in the case of a hearing the commission may exercise its powers and duties under section 2 as if such powers and duties had not been delegated."

How do you justify something like that in there?

Mr. Hardy: We think that says, if a person who is aggrieved feels it was not a proper hearing or is dissatisfied with the results of the hearing, I guess he has an opportunity to appeal to the commission.

Mr. Epp: And 2a: "Where the commission, after holding a hearing, is of the opinion that the request for the hearing was frivolously made, the commission may order the person requesting the hearing to pay to the commission a penalty of no more than \$300 in addition to any other penalty that may be imposed."

How often is that used?

Mr. Hardy: Well, I would think if we had two last year it would be--I can think of one only; I can't think of more than one.

Mr. Epp: Do people complain about having that section in there?

Mr. Hardy: I have heard no complaints on it. I (inaudible) one last year, or this year?

Mr. Epp: In this case, if you have what you regard as frivolous, is the term "frivolous" defined someplace?

Mr. Hardy: No.

Mr. Epp: So the commission is at liberty to say when it's frivolous and when it's not frivolous.

Mr. Chairman: In the dictionary.

Mr. Epp: I beg your pardon?

Mr. Chairman: In the dictionary.

Mr. Epp: That's pretty broad.

Mr. Hardy: Your answer was defined in our rules, and after that it (inaudible).

Mr. Epp: It's not.

Mr. Hardy: No.

Mr. Epp: But you had only two cases last year?

Mr. Hardy: No. One.

Mr. Epp: One case.

Mr. Hardy: I was going to say not more than two; one that I can recall. I have just checked with Mr. McDonnell, and he tells me it was one only.

Mr. McDonnell: I believe there was one case that I know of where the three judges had made a decision on the man. They

felt he had an infraction, and the patrol judge who was stationed at the corner of the track where the incident happened did in fact report what he saw that the man was responsible for. As well, another driver in the race had lodged an objection against the infraction.

Notwithstanding the hearing, there was no way in this man's mind; he felt he was not guilty. We showed him the films and the testimony, but he just didn't--you know, you get some people who just don't accept it. And when it was brought before the commission and we reviewed it all and looked at it, it was very conclusive that it did happen.

What we're saying is that the time and cost--of court reporters and the whole bit--all these expenses come out of our budget, and the commission was of the opinion that it was indeed a frivolous appeal. The man really did not have grounds to come forward with it. After hearing all the facts--we did hear the case and all the witnesses, and we reviewed the film--the decision was that he was guilty and really there were no grounds for him to come forward with it.

Mr. Epp: So what you are saying is that, based on the statistics we heard earlier, you had--was it 35 appeals; am I still in the right category?--and, of those, one was regarded as frivolous?

Mr. McDonnell: Thirty-five appeals; that was to the appeal board.

Mr. Epp: That was to the appeal board. This is to the commission.

Mr. McDonnell: To the commission.

Mr. Epp: How many appeals did you have to the commission, of which one was regarded by your statistics as--?

Mr. McDonnell: I think it's in the annual report. I would have to refer to that.

Mr. Eichmanis: It's on page four, and they are separated into thoroughbred and standardbred.

Mr. McDonnell: There were 15 altogether that did come before the commission, both thoroughbred and standardbred.

Mr. Eichmanis: On that point: Where it says in the annual report that five appeals were denied, that has no relation to the frivolous appeal thing; that's something else again.

Mr. Epp: What does that refer to?

Mr. McDonnell: That is where the commission probably decided to deny the appeal, but there were basically grounds for the man to make it. It was not a frivolous appeal but, after considering all the evidence and testimony, they decided to deny the appeal. But it did not mean the man had entered a frivolous

appeal; there were grounds and just cause for him to come forward with his appeal.

The situation I cited to you about the testimony did not come to the commission; that was a standardbred appeal board ruling, which I believe involved a suspension of five days. They set the driver down for five days on that violation.

Mr. Epp: I see.

Mr. McDonnell: That \$300 was assessed by the independent appeal board, not by the commission.

Mr. Epp: What does he get to pay that? About 30 days?

Mr. McDonnell: Usually 48 hours after he has been notified of it once the ruling comes out.

Mr. Epp: What happens if he doesn't pay it?

Mr. McDonnell: He can be suspended for not paying the fine.

Mr. Epp: He's not reinstated until he pays it?

Mr. McDonnell: Until he pays it. But he does have 48 hours after he receives the ruling to pay that fine.

Mr. Chairman: I just wonder, Mr. McDonnell: You mention that the particular case you referred to was not heard by the commission. Is that what you said?

Mr. McDonnell: That's right, sir. That was heard by the appeal board, the racing industry appeal board, the standardbred infraction.

Mr. Chairman: The section really says that only the commission can hold a hearing under section 2, which Mr. Epp was referring to. It must have been a different circumstance, then, rather than the provisions of that act. Is that correct?

Mr. Eichmanis: That section says that the commission can make the determination about frivolous appeal.

Interjection: We have the power of delegation too.

2:30 p.m.

Mr. Hall: I think it should be brought to your attention that the policy of the commission has always been to hold all appeals in the form of a trial de novo, which means we literally start from the beginning again. It gives the appellant even more natural justice than most tribunals, I believe, because we start from the beginning and literally prove the case against all over again.

Mr. Epp: When the person is before the commission, or before the appeal board, can he be represented by counsel?

Mr. Hall: He must be. He is definitely told in his notice that he is afforded the right of counsel and to introduce witnesses to testify on his own behalf. Once again, the policy of the commission has been, and I think the chairman would bear it out, that many times commission counsel literally represents the appellant if he is without a counsel.

We have always felt that that is the job. I honestly take umbrage at one of the reports suggesting that the commission counsel is a prosecutor. I think that is in the last one you received last night from the thoroughbred people. We have never considered legal counsel as such, and they have never been instructed to be a prosecutor. In fact, I have been a counsel for (inaudible) for the people of the province. Obviously they have their duty counsel, if they do not have one.

Mr. McDonnell: Another thing, too, that we would do is if a trainer or an owner, or whatever, appeals, and he wishes to bring witnesses, we will subpoena the witnesses on his behalf.

If he tries to get another driver to come who he thinks will give testimony, and because he is the appellant and does not have that power, if he or his lawyer requested that they would like to have this other driver there to substantiate part of his appeal, we would subpoena that person for him.

Mr. Epp: I see. He has a good excuse to have him there so maybe the other fellow cannot back out.

Yesterday we heard from Mr. Juravinski and from Mr. Gorman, I think, this phrase, "in the best interests of racing," which seems to be broad enough to drive a truck through, and that the commission is in the unique position of determining what is in the best interests of racing.

In another place it says that, in any matters deemed not to be in the best interests of the sport, people could be prosecuted or brought into line because they are violating "any matters deemed not to be in the best interests of the sport." Or, in another place, "any misconduct on the part of a participant, fraudulent in its nature or injurious to the character of the turf, although not specified in these rules, is forbidden."

How does a person know whether he is within the guidelines of the commission, if it is so broad?

Mr. Hall: We learned it by experience. The first experience we learned is we kept on getting bounced out of the Court of Appeal, because they claimed our notices were improper, and the courts were not too enthusiastic about the phrase in the Racing Commission Act, which is in many other statutes, "contrary to the public interest." It is a pretty all-embracing thing.

Mr. Epp: Something lawyers love to have.

Mr. Hall: That is right. But then what happened is that they utilized our services considerably when they prepared the McRuer report, which was the forerunner of the Statutory Powers Procedure Act and the Judicial Review Procedure Act.

In fact, in all of our notices, even though we come under the umbrella of "contrary to the public interest," we feel it is obligatory, not only from a moral but also on a legal common-law basis, that the specific charge is set out. For example, "Take notice that you have been charged under breaching section 15(1a) of the Ontario Racing Commission Act for conduct considered prejudicial to public interest, to wit..." It might be, "It is alleged that you have breached rule 47d in that you drove your horse in an inconsistent manner to affect and impede the progress of horse so and so."

In other words, when any licensee comes before the commission, we try to instruct our judges and stewards, for their hearings, that natural justice is the name of the game; that every person in this province and in this country should certainly know the specific charge that is against him. We have done that and, fortunately, in the last 10 years, we have not been challenged in the courts on that.

We were pretty messy in the old days. You would get a notice while you were making a phone call, and it would say, "Get down to the hearing next week." Those days are over. Now the charge is specific. There is a set form of charge. It must tell you what you are guilty of, what it is alleged you violated. It advises you that you are entitled to witnesses, entitled to counsel and that we can proceed in your absence. It states the date, the place and the time.

Mr. Epp: The technicalities, I understand, are specific but--

Mr. Hall: Now we come to the point. You have asked how you make the decision as to what is contrary to good racing.

It is the old story. You have the Law Society of Upper Canada. I do not think there is anything in the regulations that say you have to be circumspect if you have a female client in your office who is asking for a divorce and you show her some of the reasons why her husband is leaving her. You do not spell it out that you do not molest your female clients but, if it were ever brought to its attention, the law society would sit in judgement and would say that is contrary to professionalism, if not a breach of any other act.

I am not trying to be facetious, but I think there comes a time when an expert body in a certain area, whether it is lawyers sitting in judgement, or doctors, that you have to make judgement decisions as to what is good for the sport.

No matter what rules you write--and we have all been around a long time on this side of the table--every month we come up with a new situation that is not covered by the rules. Yet you have to come up with an arbitrary decision. You have to rely on your

experts and say, "That is not good for racing because..." Then if we are wrong--we have never been appealed on that basis.

I think there comes a time when you have to bite the bullet and make a decision in the hope that there are men of integrity on the commission who make the right decision. I grant you it is wide open, but you cannot leave the door so narrow and cover every possible contingency.

Mr. Epp: You have never had an appeal on that?

Mr. Hall: Not on that.

Mr. Mancini: I would like to ask questions concerning harness racing that took place in the Leamington area. As you know, we did have racing there, but for the last few years we have not had any racing at all. It has been of concern to some of the community leaders that they lost this tourist attraction, an activity that brings revenue to the town.

I was wondering if anyone from the Leamington area has approached the racing commission to see if harness racing can be re-established in the Leamington area.

Mr. McDonnell: We have had not a formal application, but we have had an informal interview with a proprietor from the Leamington area, the former general manager of the Leamington Raceway when it was operated by the fair board, and the former general manager of the Dresden Agricultural Society Raceway.

2:40 p.m.

To make it very clear, the racing stopped at Leamington because the fair board found that they could not meet the requirements of the federal Department of Agriculture relative to certain types of equipment necessary for their operation.

Secondly, the fair board did not have the funds to continue racing there. They felt that to go into this capital expense was not worth their time; at that time, they were only racing 10 days a year. At the time when Leamington was having a very good meet, for 10 Sundays there was no racing from Detroit clear through to Flamboro Downs. That was the only Sunday racing. So really, Leamington had a captive market for those 10 Sundays and did fairly well as far as their handle goes. I think they averaged around \$127,000 per Sunday.

The agricultural society themselves chose not to race. They did not submit race date applications for that track for those 10 days. Consequently, when they did not submit race date applications, such as has happened in the past with the Garden City dates, those 10 Sundays were then brought back to the commission for reallocation. We held public hearings as to where those dates would subsequently be raced in future years. At that time, Windsor Raceway was granted those Sunday dates, along with three other dates, and we extended their meeting through to June 23, I believe, of each year.

In that sector they are talking about now, they are looking at the dark days that are available in that sector of the province. You have to keep in mind that Dresden is now racing Wednesday, Friday, Saturday and Sunday in that area, and Woodstock is racing Tuesday nights. So there are Mondays and Thursdays that might be available to a track in that area.

Should that be the case, the commission has asked the applicant to supply us with the financial documents to show that he is worthy of operating a track. Our concern is, if we are going to have horsemen there, if we do grant licences or race dates, that the horsemen and the help can be paid. We have gone through this experience at Kingston, where the track has already gone bankrupt once and has now been reopened. I think we have to have some idea of the financial worth of the operators.

Mr. Mancini: What you are saying is there is a real possibility that harness racing could return to Leamington.

Mr. McDonnell: If the safeguards of the commission are met, there is a possibility. Whether or not they choose to race on those dates that are available is another thing.

Mr. Mancini: I am sorry; I didn't hear that last remark.

Mr. McDonnell: I said whether, in deciding they want to reopen racing in the Leamington area, Monday and Thursday nights will be advantageous to them. What they are saying to us is, "You have to guarantee us so many dates in order that it can be financially viable." We are saying, "There are only a certain number of dates available in that circuit for you to race." They have to establish a pro forma working statement to see whether it is financially viable to race there.

Mr. Mancini: At the same time, someone else may wish to give up some of their dates.

Mr. McDonnell: That is quite possible. We won't know until dates are allocated on a yearly basis.

Mr. Mancini: You said you want to ensure that the operation will be financially stable. What type of information do you require from individuals? What type of assurance are you looking for?

Mr. Hardy: We look to see the financial capability of the individual and what real assets he has to put into the operation and whether in our judgement, based on our knowledge and experience, that is adequate to meet the commitments as we know from experience. We get the annual reports of all racing organizations each year. I think the administration is in the proper position to make that judgement and come with its recommendation to the commission.

Mr. Mancini: If your concerns were alleviated as to this individual being able to meet whatever financial commitments he would have to, would the commission look favourably on racing in the Leamington area again?

Mr. Hardy: As long as whatever dates are available.

Mr. Mancini: So it is just a matter of the person being satisfied with the dates available?

Mr. Hardy: Financial capability and whatever dates are available and--

Mr. Mancini: The commission being satisfied.

Mr. Hardy: Another point Mr. McDonnell raised is the horse colony, whether there were sufficient horses to meet the needs. You can counsel them on it. That is one of their concerns, whether there are horses available to make a race meeting successful.

Mr. Mancini: If there is money to be made, I am sure horses will be made available.

Mr. Hardy: I think I have suggested earlier that there are these racetracks where there is not a great deal of money being made by the horsemen because the purse level is very low. Leamington is one of them. It is not an A attraction. The only attraction is, if the horse wins the race, then he would have a decent horse.

Mr. Mancini: Have you informed this individual as to what information you are requiring and the time frame?

Mr. Hardy: It is up to him to come back. That is the arrangement.

Mr. Mancini: So you are ready any time?

Mr. Hardy: Yes.

Mr. Mancini: I see.

Mr. Chairman: This is a situation somewhat like Mohawk and Flamboro. Is it just the Windsor track that is within a 50-mile range?

Mr. Mancini: There is Dresden.

Mr. Chairman: Oh, there are three there.

Mr. Mancini: I am sorry; you were going to add something.

Mr. Paradis: I just wanted to make one comment on the horses, if I might.

Leamington's operation, as Mr. McDonnell alluded to, operated on Sundays unopposed in that area. Dresden now operates four days a week. We have heard today of the possibility of Meadowlands, which does sound very funny but very interesting, which may not race thoroughbreds next year; that means they will probably race a standardbred meet all year around, which would have an adverse effect on the Windsor Raceway horses. Which, if

you take that one more step, would have an effect on the amount of horses that would come in from the small Toledo racetrack that was made to use the Windsor racetrack for horse supply.

I believe the gentleman from Leamington alluded to the fact that you could even get some of these horses to race at Leamington. This, again, is another consideration the commission has to make in that area. Of course, we do not know what the outcome of that will be.

Mr. Hardy: Maybe you should explain about Meadowlands, because these gentlemen may not be familiar with it.

Mr. McDonnell: We discussed it briefly the other night. Where a horseman goes is where the purses are. If they have the calibre of horse to race at Meadowlands, then you see a stable like Greg Wright's, which we discussed the other night. This man has a very large stable of horses. He has a farm in the Windsor area.

Mr. Mancini: He has a farm in my riding.

Mr. McDonnell: But economics dictate that he races at Detroit in the summer when the Meadowlands is down, and he races at the Meadowlands in New Jersey by virtue of the fact, I think, that their cheapest race goes for something in the neighbourhood of \$10,000.

What happens is, notwithstanding that he is from the Windsor area, he will not stay there to race for those kinds of purses if his horses are good enough to race at the Meadowlands. Consequently, he moves his horses out. That creates a void at Windsor Raceway for lesser-calibre horses.

Consequently, the shortage of horses at Windsor and the higher purses would dictate that the horses that may race at Dresden or Leamington would then move into that track to race. Our concern follows along the lines of what kind of purses they are going to race for at Dresden and where they are going to get the horses. It is competition all the way along the line.

Mr. Mancini: I just wanted to stress the point that--

Mr. McDonnell: That is our perspective of the problem.

Mr. Mancini: --if a proper set of documents is submitted to the commission and the person is financially viable and looks like he can take a shot at it, it is still a free enterprise business and I think the gentleman and the town deserves every opportunity.

Mr. Robinson: Are you doing a pitch?

Mr. Mancini: That's right. I am doing a pitch. Is there something wrong with that?

Mr. Watson: Their concern, to the group you mentioned before, is the quality of life that these provide. Have you any

specific suggestions for assistance for small tracks? He is talking about Leamington. I realize Dresden has its problems, and I guess lots of others have them.

2:50 p.m.

Mr. Hardy: Nothing right at this time. As I said earlier, this is something we have to give our attention to, which we certainly intend to do this fall and hopefully before the year-end. When you talk of a Leamington, a Clinton or a Goderich, you are not talking big dollars. Twenty thousand dollars at the bottom of the page makes all the difference between a failing enterprise and a successful enterprise.

I do not like to say this but, when you get to the major racetracks, my concern is not only for the minor racetracks; I have the same concern for the major racetracks, the opportunity to improve the figure at the bottom of the line, relative to the dollars invested and the income that is available to them.

Mr. McDonnell: Along that line, you will see by our racetrack tax sharing agreement that some of our smaller tracks received \$1,500 a day in supplemental purses to try to bring up their purse level. Some of the major tracks were subsidized to a degree, because they were paid \$1,000 a day. We are trying to raise that level of purses to cope with the particular horsemen's needs for that area.

Mr. Watson: I do not disagree with that policy. I realize we heard a presentation yesterday morning that did. I guess if I were running a big one I would think the same way. I am just wondering whether that differential you are now doing is enough, because I sense from the owners, from you and from my own limited knowledge that some of these little fellows are in trouble. Everybody would lose if they went out of business.

Mr. Hardy: Particularly the local people; those people are the losers.

Mr. Watson: Yes.

Mr. Hardy: I know of no analysis that has been done that has proven successfully or to our satisfaction that by increasing the purses--there is no measurement I am aware of that shows this has had a beneficial effect for the racetrack.

It certainly has had a beneficial effect for the horsemen. Whether they are capable of analysing it to put a measure on it, whether it has improved wagering at the racetrack, there is no (inaudible) that we have had a reasonable type of study that suggests that the triactors at certain racetracks have increased wagering, the amount which in turn is of benefit to the race track.

I know of no racetrack in my mind, and I do not think the administration is aware of anyone who has been able to establish that, yes, we can point to this as having brought a benefit to the racing association; to the horsemen, yes.

Mr. McDonnell: I suppose we can only suppose too that, by increasing the purse level, maybe you are able to keep a few more people in business who would normally have got out because they just could not afford it. That has a little bearing on the racetracks too because, if their horse supply diminishes, then they are restricted to the number of days they would be able to operate.

In your area, supposing the horsemen went out of business because of the economics of the situation--whatever they were doing, racing horses was not giving them enough to cover their expenses and they went out of business--instead of Dresden being able to race four nights a week, the horse supply might dictate they would only be able to go three nights a week, possibly two nights a week.

There is no concrete study, but these are situations that could be considered. Hopefully, our study would perhaps look into this type of thing to give us some feel for it.

Mr. Chairman: I recall we heard Mr. Juravinski yesterday; he kept using the term "the enemy" when he was talking about thoroughbreds and discussing the whole question of dates, timing and things like that. I guess he was objecting to thoroughbreds being in night racing mainly; apparently that cuts into his time and affects the attendance at his track. Yet at the same time I cannot see how the thoroughbreds can survive on just daytime racing.

What comment would you have about that? Do you think his beef was legitimate? He seemed quite vehement about it. At the same time, there was sort of an arrangement with Mohawk whereby, when Mohawk was not running, Flamboro Downs would be.

I am convinced that probably Mohawk could be operating more than it is. Because of that arrangement, Mohawk is restricted to give Flamboro Downs what seems to be a reasonable amount of time, because I think he said they operate 12 months a year where Mohawk, I think, does not.

Mr. McDonnell: I think it is important that the members understand the background and the beginning of Flamboro Downs. Mr. Hardy was with the commission, and I believe Mr. Hall was with the commission. Flamboro Downs made representation to the commission to build a track at Flamboro Downs. The premise was that it would serve as a winter racetrack to alleviate some of the horsemen's problems of not being able to race at Greenwood, that there were excess horses in the area and so forth.

They came before the commission and requested a minimum of 181 days. The commission at that time said there was no way we could guarantee how many days they would be granted from year to year; we would give them no guarantee on that. However, they convinced the commission, I believe, that there was a need to produce more racing in the wintertime. Some of our smaller tracks throughout the province were not operating. They were basically summer operations and so forth.

They were granted, I believe, in the first year 174 days. At that time they were not granted the dark days. They came back to the commission and said, "The bottom line is such we just cannot operate on these number of days; we need more." Consequently, the commission said, "Okay, we will let you race the dark days when Mohawk is down," which we did, probably to help them.

Their people were year-round employees, and at least it would give them two days a week racing when normally they would be shut down. We did that so they could not close their doors and let their help go and so forth. That was their decision.

In the meantime, Barrie commenced winter racing, and Orangeville was going two days a week, Thursday nights and Sunday afternoons. There comes a time when we have to ask, how many dates can we allocate to a track and still maintain status quo within the industry? So we went that route.

After our 1974 study, we did establish sectors where we thought people could race against one another with virtually little competition. At that time, we said there is no question that Flamboro can race when Greenwood is operating because of the distance, the clientele, the marketing area and whatever.

The commission at no time stated, "You will have to race either in the afternoon or in the evening." You were allocated a race date and, if you chose to race in the afternoon as opposed to night, so be it. Our position was, as far as we were concerned, it was strictly a date, nothing more.

Flamboro and some of the other tracks did take us to court over the fact that the Jockey Club changed its two days in the fall from afternoons to evenings, which were in direct competition with Orangeville and with Flamboro--Flamboro on Wednesday nights, Orangeville on Thursday nights. Part of their argument was they were not aware, when they applied for dates, that there would be a change in the post time.

3 p.m.

The commission then said, "Okay, we will establish a rule that when you apply for dates in the future you must specify when your post time will be." We have that now. If there is any variation of that, then everybody must be made aware of this application for a change in post time if it is more than 30 minutes.

What we do is we notify all the tracks now and tell them that we have an application for a change in post time. In a great many of the instances it does not matter too much. I can think of one from Kingston where they wished to change from Sunday evening to Sunday afternoon because of the Canada Cup. Obviously in that part of the country that change has very little effect on any other operations.

Mr. Chairman: Too bad they bothered.

Mr. McDonnell: This is the argument. We feel, through

our marketing study, that it does not matter whether you are racing thoroughbreds or trotters at Greenwood; if the date is there and it is allocated, then why should they be restricted.

Mr. Watson: Does the date carry on from year to year? Is it an annual allotment, or is it a gentlemen's agreement that it continue?

Mr. McDonnell: They apply yearly for race dates, but preference will be given to the dates you had the year before.

Mr. Watson: There is no value attached to the fact that you have been granted race dates; it is done on an annual basis. Would you not have to have an awfully good reason not to grant race dates if everything else was in order?

Mr. Hardy: One track to another. What we have is traditional dates. For example, to use Mohawk, they have been racing at a particular time for the last eight or 10 years, and those are now considered Mohawk's traditional dates. When they make their application, they are the dates they apply for. And certainly having had them, and based on those dates, having merchandised as best they can those particular dates, they are granted those dates again and they get first consideration.

Mr. Watson: But those are the commission's guidelines, that you will honour the traditional dates?

Mr. Hardy: The federal department also set it out very clearly with reference to traditional dates.

Mr. Watson: There is no way then that an owner of a racetrack can be sort of put out of business by not getting certain dates; as long as he meets the requirements he gets--

Mr. Hardy: I think I said earlier that one of the most difficult problems the commission has is trying to administer and regulate an industry in this free enterprise system. I suppose one of the easiest things for administration would be if everyone set their own dates. If we were to do that, I am sure we can all understand what would happen. Those with the deepest pockets and perhaps the Jockey Club in Windsor--we would end up with perhaps a minimum (inaudible) in Toronto and in Windsor, and we could destroy this industry, as happened with the bowling alley business.

Perhaps 15 or 20 years ago they encouraged people who had \$15,000 to open up a bowling alley regardless of whether it was across the road from someone who had opened up and they had financed a year before. The end result was that the bowling alley business became chaos, and there were just hundreds of bankruptcies and many people lost a great deal of money.

We have a great responsibility to protect against that. We recognize that many of these are judgement decisions, but we are satisfied that we give sufficient opportunities to everybody to make their presentation. To this point, at any rate, we know that our judgement has been good.

Mr. Chairman: Would you say the same rationale as existed for extending Flamboro in the wintertime, because of the area and the market, would apply to changing the dates and the times for Woodbine?

Mr. McDonnell: There is no change of times for Woodbine; it is a change of time for Greenwood.

Mr. Chairman: Greenwood. I am sorry.

Mr. McDonnell: Which is outside the 50-mile radius. You see, when Garden City was closed the commission stated to the Jockey Club that those dates at Garden City would revert back to the commission and we would look at them as to where they would go. What the Jockey Club could have done is said, "We have got Garden City's dates; we will put them all into Mohawk." Obviously, as you say, sir, it would have cut down the dates that might have been available to Flamboro Downs.

Mr. Watson: That answers my question.

Mr. McDonnell: What the commission were concerned with was what effect that move would have on the standardbred horsemen. Because if you are talking about a handle of 600,000 at Mohawk, as opposed to an over-\$1 million handle at Greenwood, what is that costing the standardbred horse industry? So perhaps maybe the best thing to do would be to divide it in half and say half the dates go to Mohawk and the other half go into Greenwood, which is your pay track as far as the standardbred horsemen are concerned. All these factions have to be considered when we are talking about dates.

Flamboro actually did gain some days, because any dates that were denied to Mohawk and subsequently put on the Greenwood standbred meet opened up dates for Flamboro. Flamboro right now is racing around 191 days at one track.

Mr. Hardy: For those who may be interested in it--I can correct Mr. McDonnell--when Flamboro first made their application, as I remember, they were seeking 90 or 96 days. The question was asked if it was a financially viable track; the financing they had at that time apparently disappeared. They then came back a second time with a refinancing seeking a guarantee of 180 days, which was not forthcoming from the commission, and that financing disappeared. They finally came back again without proper financing and (inaudible) was prepared to take the chance of what days may be allocated to them.

Flamboro was on the boards before I was on the commission.

Mr. Chairman: How many days have they got now?

Mr. Hardy: I think it's 190-odd, is it not?

Mr. Breaugh: So basically (inaudible) operation like Flamboro or (inaudible) they have a business decision to make going in and do not have any real guarantees afterwards. If they want to chicken out or complain, or whatever, the time to do that

is when the first bid is in; you make your application, you get some track dates and then you, as a rabid free enterpriser, have a business head on your shoulders and you say yes or no. Then, it seems clear enough to me, you live or die by that afterwards. You do not have much of a chance to come around and jaw and look for more subsidies later.

Mr. Hardy: The fact is tha there is virtually no place for another racetrack in Ontario today, because the dates are all gone. We may have 20 days, if that.

Mr. Paradis: Perhaps some place up north or something like that. Sudbury has a very hard time up there maintaining the horse population to race, and they have got one of the finest facilities in Ontario, second to none.

Mr. Hardy: Mr. McDonnell indicated earlier that Ontario has more racing days than any other jurisdiction in North America, including California and New York.

Mr. Breaugh: How does revenue compare with other jurisdictions? We have more racing going on. Are we making more money than other jurisdictions?

Mr. Paradis: (inaudible) because of the size of the racetracks.

Mr. Hardy: I think we are about fourth or fifth in North America after California, New York and Illinois.

Mr. Paradis: Mr. McDonnell is looking it up.

There is just one other point that the committee should be aware of with respect to the number of people involved in horseracing and the other positive aspect it has on the agricultural outlook in Ontario. There is a great deal of agricultural land in Ontario that is marginal, at best, agriculturally. But, with respect to horse farms and fodder crops, it is excellent. It is maintained as pasture and for the growing of hay and bedding crops for the horse industry.

3:10 p.m.

That is another area really you can't quantify, the use gained of that land by the horse industry. But I tell you, if we lost a bunch of rural racetracks and things like that, there would be a heck of a decrease in the usable farm land in those areas just because the horse population would shrink.

Mr. Hardy: In terms of where we stand in total income per year, I think we are fourth or fifth behind California.

Mr. Breaugh: Looking through the statistics I was a little surprised that a track like Kawartha Downs, for example, which is supposedly not in good financial shape, did roll just a little under \$10 million through there last year.

Mr. McDonnell: We are fourth in North America behind

California, Illinois, New York and New Jersey--those are the only states that handle more money than we do. We are ahead of Pennsylvania.

Mr. Breaugh: One thing that bothered me a little in going through the stats on this was that the kind of small-town track, the amateur night thing, seems to be in some difficulty, and yet the larger tracks attracting larger farms and big-money horses seem to be doing reasonably well.

Do you have any concerns that little places like Leamington and wherever are having some difficulty surviving? Or is it really kind of your position that this is big league racing and the smaller places just don't fit?

Mr. Hardy: I am sure today that we are concerned about the smaller racetracks and the impact on quality of life if they go out. We feel we have to find a way of doing something for them. We are trying to work on something to come forward with some recommendations--

Mr. Breaugh: I would be a little concerned about that because, if you followed the pattern you are doing now, I guess you would probably move to up the purses, subsidize them in some way, and it strikes me that you would take your larger owners into the smaller communities but you wouldn't be doing much for the smaller communities. If you put better purses up in little towns, the horse owners would go there; but what would happen to the guy who has one or two horses and wants to race on the weekend?

Mr. Hardy: I still say--I am repeating myself--I believe that the 1.5 per cent of the horsemen have been taken care of well with the 1.5 per cent. The people who have been overlooked are the racing associations; that includes them all. That is not just the small ones. The small ones are perhaps in a more difficult position than the Kawarthas or the Flamboros or the Woodbines or the Windsors. I think all racing associations must be looked at as an opportunity to increase the return on their investment.

Mr. Chairman: You mean the tracks.

Mr. Hardy: When I say association, I am talking about racetrack.

Mr. Eichmanis: In the report I provided, I use "associations" to include the Horseman's Benevolent Society and so on.

Mr. McDonnell: Prior to 1981 we did have what we called racetrack improvement grants. That was directed specifically to the smaller tracks to try to improve their grandstands, their washroom facilities, their fencing, their parking lots, to try to help with capital costs that these smaller tracks have. If we didn't care about the smaller tracks it would have been quite easy on our tax rebate scheme to say, "Okay, you share in the proportion of the rebate as to what your track earned."

Obviously, in places like Goderich and Clinton, their

percentage of the overall handle would account to damned near nothing. Consequently, realizing that, we should know there is an inequity, something has to be done for the horsemen racing at the Clintons and Goderiches and Elmiras, if we can up their purse level to keep them viable to go on.

Mr. Breaugh: That is the problem. I notice, for some strange reason, my dentist has a very profitable horse operation. There is a guy who does not need to be subsidized by the province of Ontario for any reason. There may be some guy out there who runs a little farm at Clinton or Napanee or whatever who might need to be subsidized.

Mr. Chairman: In this area there is another person, whose name escapes me right now, who doesn't need it.

Mr. Breaugh: But it is difficult to come up with a technique which does not almost defeat itself. If you raise the purses in the smaller centres, you figure owners will begin to patronize. Or don't they?

Mr. McDonnell: No. You are getting the two things mixed up. The money we give to the tracks is for overnight purses. That \$1,500 a day is for overnight purses only.

We also have what we call our sire stake program. The idea of that program is to try and upgrade the quality and quantity of our stock here in Ontario so that in the years to come we will have a base that we can produce our own horses to fill the races that we have here.

The sire stake program is a travelling circuit. It races in each one of those little communities. The idea is that these races are going for more than the overnight purses that normally are offered for the horsmen you are talking about.

That man who may have got a breeder's award might have a few brood mares, and the idea of the program is that he might get a breeder's award to try to get him to buy a better mare, breed to a better stallion and come up with a better product. Hopefully, when we put that colt through the ring by having earning power for that colt in sire stake races, the buyer is going to pay more money for him, which again gets money back to the breeder to try to upgrade his quality.

The sire stakes go to all these little tracks. Hopefully the idea is that we are going to get colts racing out there, give the public some fresh faces rather than see the same old horses race there every Saturday and Wednesday nights. We are going to try to bring in name drivers to upgrade our sport and give these people in the outlying areas some opportunity to see these horses and still keep them interested.

But I think the two areas are quite different. One is strictly the overnight races, which we are subsidizing to the tune of \$1,500 a day. Then there are the sire stakes on the other side; that is a whole program in itself to try to upgrade the quality.

Mr. Breaugh: Do you think that is successful in the process?

Mr. McDonnell: We feel it is. There again, this is where we got into the problem. So many things are contingent upon trying to gauge the costs and effectiveness of that program. I believe John mentioned it in his report when we discussed this with the provincial auditor to try to establish the effectiveness of that program. We would probably have to have a staff of maybe three or four people to go out and try to establish how many farms were set up in a given area because of the result of our sire stakes program, how many horses have been brought into Ontario to stand.

A couple of years ago, two North American champions came in and were syndicated for \$2.5 million. Those horses are standing in Peterborough. There is no way, without the sire stakes program, we would be able to attract that kind of a horse to stand in Ontario. They would automatically go to the States.

Interjection: So would the colt last night when I wanted him for \$68,000.

Mr. Hardy: I guess that is one of the measures you have. The sale started yesterday. If I recall correctly, it was reported in the paper today that the average selling price for the colts is about 20 per cent this year over last year. I believe they have gone up every year since the sire stakes program was implemented.

Mr. Paradis: Well, it was out of it last year, but there was a general decline in the whole industry last year. There is nothing you can do about that.

3:20 p.m.

Mr. McDonnell: What we tried to do--I guess the whole premise of the program--was to stop the spending of dollars outside of Ontario, going to the States, spending money and importing horses into Ontario. What we hoped to do with this program was quite evidenced with our thoroughbred sales just the other night; Americans probably spent--they bought the one horse for \$475,000. I believe there were a couple of others bought by Sangster from England. I think his purchases totalled in excess of \$600,000 for three or four horses. So out of a \$9-million sale, there is almost 10 per cent that was spent here by outside people.

I think this is the name of the game--to establish an industry here whereby we will be able to export horses, not have to import them. We will be able to export and get the outside buyers here for Ontario markets.

Mr. Breaugh: I was looking through this list you published in your annual report of the 1980 Ontario Sires' Stakes and Breeders' Awards (inaudible). I wonder if you really would help anybody by giving them \$10.34.

Mr. McDonnell: That is predicated on the overall program. Ten per cent of the money the government put forward is set aside for breeders' awards--not the owner of the horse, but

the breeder. I agree. Any program like that--I cannot justify that that \$9 might help him. It might be a fluke.

Mr. Breaugh: I can see somebody--when you get even \$1,000, that might do somebody some good. But when you drop below that, and a lot of these people here receiving money are getting \$199 and \$17.23, maybe there is some kind of prestige in receiving it but I do not think it really helps them. If it has cost them \$12,000 a year to stable a horse, \$17 is going to look after that horse for about 30 seconds.

Mr. Hardy: He has more than likely sold the horse.

Mr. Breaugh: He maybe made a big buck on that.

Mr. Hardy: Whether he made a dollar on that, I don't know, but in many instances the horse would have been out of his barn.

Mr. McDonnell: He might have got \$20,000 for the colt; it might have raced once in a particular race and broke down--never raced afterwards. As I say, that could account for his small amount. He might have got \$20,000 for the whole commission.

Mr. Breaugh: Do you go over things like who made big money out of the stakes?

Mr. McDonnell: Definitely.

Mr. Breaugh: Does that help you try to assess who you are offering assistance to?

Mr. McDonnell: These awards are predicated on actual races. In order for you to receive a breeder's award, that horse had to race in one of our sires stake races somewhere along the line.

Mr. Breaugh: I wanted to know so that we could tell--and me in particular, because I do not know any of these, or very few of them--whether this kind of a program is successful.

Are you helping those wealthy people who are dabbling in racing and don't need our help anyway, or are we really helping the little guy who is attempting to get started? How do we assess that? If you go over a list like this, it does not make much sense unless you know who the people are and what you are doing.

I guess it is fair to say that from one aspect it is just fine to subsidize E. P. Taylor in many respects, but he does not need our money. So why are we subsidizing him?

Mr. McDonnell: Maybe Ted could speak to you about the very top man on this sheet here--Eugene Forbes, who comes from the Hanover area.

Mr. Paradis: Two years. The man invested about \$120,000 in Ontario-bred yearlings. Now that is his money he has paid to breeders of horses who have consigned them to the sale to sell. I

think, if you look at the 1979 annual report, he grossed something like \$200,000 at Ontario sires stakes. At the next yearling sale, he spent about another \$120,000. He grossed \$167,000 last year. I would be interested to see if he is going to spend about another \$100,000.

This is a very large example, but it is an example of exactly what we were trying to create when the program was started, the fact they were breeding better horses and encouraging a turnover of investment in Ontario. The little guy who maybe has one brood mare and breeds it to a stud like Smog, or something like that, one of the better stallions that have come into the province, spends \$3,000 on a stud fee; he can go and sell the horse for \$12,000 or \$15,000 at the sale and make it a viable breeding proposition.

This man is an example of a person who has bought at the sales, maintained ownership in the horse and reaped the benefits of the program. He has made some very astute yearling buys, and his two- and three-year-olds have gone on and won money, which he reinvested again and bought more yearlings to race the following year's two- and three-year-olds.

Mr. McDonnell: I guess what we are saying is that same man could have gone to the Harrisburg sale in Pennsylvania; he could have gone to the sale in Kentucky. If he is going to spend \$140,000 or whatever on colts, why the hell should he not be spending it here, reinvesting his money? He is racing here, he has not got the expense of not being able to see his horse race, they are going to race here, and, if he is successful, we have got him as a buyer next year; and he is going to be continuing to spend money on Ontario-bred colts. That man is not going down to the US and buying horses out of the province and importing them back here. He is buying our product.

If we can convince him we have got a good product and he is making a livelihood, more power to him, because the horses he has selected turn out. Then on top of that--you only see what he earns--you have to figure what his initial outlay was for the colts that he bought; how much it cost him to train all during that time, keep and so forth. Some that he bought never got to the races, but at least here is one man you are keeping in the business, who is buying in Ontario and doing what we think the program will establish.

Mr. Eichmanis: What percentage has come in to Ontario, and what percentage do you create or--

Mr. McDonnell: I think a few years ago, on the standardbred side, we were importing something like 900 colts a year, and the dollar value--

Mr. Paradis: The dollar value continues to go up because the price of the horses goes up, okay? You were mentioning about the Trillium series and the fact that Dr. Brown's horse happened to win \$64,000. The Trillium series arose out of the Ontario sire stakes program, because horsemen will continue to go to horse sales, no matter where, and will try to get the best product. They

want to win the Hambletonian or the Little Brown Jug or the Meadowlands Pacing Classic for \$1 million or whatever. They will continue to try to get the best horses where they can.

What the Trillium series does, and it has been proven with some of the statistics, is to encourage Ontario residents to buy fillies--they will be Ontario-owned fillies--to race here, because there is some extra incentive to race in the Trillium series, which is solely for two-year-old Ontario-owned fillies. They must be wholly owned by persons in Ontario. That filly will then stay here; it is a well-bred filly anyway if it is coming into the province--usually they do not go away and buy cheap horses at the yearling sales--and will be bred to an Ontario sire, therefore building the breeding base in Ontario.

That is what the Trillium series program is predicated on. You can look at the last few years and see some of the fillies that have been purchased, albeit maybe by big stables--but still there is the fact that they have come in here and increased the quality of the blood line in the province.

You will see that just the number of standardbred registrations since the program was initiated has gone up 10 times, from 500 to 5,000. And the horse sales grossed \$4 million, or something like that, last year. They used to gross \$400,000.

Mr. McDonnell: The other thing is that the advisory board, through the government stake program, has now been able to attract the type of stallions into the province--as I said, two North American champions were syndicated for \$2.5 million to stand at Peterborough; we have got other stallions in the province. The Smog horse was a North American champion at one time.

Interjection: And Alert Breath.

Mr. McDonnell: And Alert Breath. We have come to a point where I think we have a nucleus of very excellent stallions.

The other side of the picture is to upgrade our mares; one way to do it is to have some kind of a program whereby a man can go to the United States, buy a good American filly and have some incentive to race up here in our Trillium series--she must be Canadian-owned. Hopefully, we shall retain that mare for future breeding purposes; there again we will have that colt bred, put back through the sales, and hopefully Eugene Forbes might get involved again, or we could get some new people in the business.

But that is the whole program. As I say, to sit down and try to quantify it, you would need some in-depth study as to how many mares a man had, what his farm consists of--is it a mixed farm, is it a hobby? You would have to do those kinds of studies to really get down to the nitty-gritty to give you some concrete developments.

3:30 p.m.

Mr. Breaugh: I think you really would have to do that kind of analysis to determine whether your program was working.

Mr. McDonnell: We would be prepared to do that if we had the money to do that. No question.

Mr. Epp: Money is the bottom line.

Mr. McDonnell: That's right. There is no question we would like that. Wouldn't that be great for our advertising?

Mr. Paradis: One other very good point: We do not export too much to Alberta right now, but I will tell you, we do export a lot of standardbred horseflesh to Alberta. There are stallions that were standing in Ontario in the early part of the sires stake program, good producing stallions that have since moved from Ontario to Alberta, and are standing out there now because the quality of the competition in Ontario has increased so much since the program has come in.

There are a lot of western people who come here to buy both thoroughbred and standardbred horses at the yearling sales because of the quality of the thoroughbred and the standardbred yearlings that are being produced in Ontario.

Mr. Chairman: We should get Alberta to reimburse us then.

Mr. Breaugh: Are we getting world price for horses now?

Mr. Hardy: Better than.

Interjection: Do not tell Trudeau.

Mr. Chairman: Mr. McDonnell, what we are saying in reference to the auditor's comments in the brief here is that you quantify that MBR as much as you can but, unless you have a substantial increase in staff to get down to the type of definitive information the auditor wants, you need more help?

Mr. McDonnell: We have said this on two occasions now.

Mr. Chairman: You have made an attempt, I understand, to--

Mr. McDonnell: Let's not just go by some of the figures that we have rhymed off to you here this morning. If our horses that we are producing that are graduates of our sire stakes program can go down and compete effectively in Meadowlands, the top track in North America, then I think we are accomplishing it. Obviously we are producing race horses and that is the name of the game. Without race horses we are not going to have any race dates, and we are not going to have any racetracks, and we are not going to have any income to the government.

Mr. Chairman: There is no question that the results in dollars and cents is as good a measurement, the most important measurement.

Mr. McDonnell: It would be great for the province, and for everyone concerned, to demonstrate the real effects of this program. Down in Windsor within the last six or seven years, if

you fly over there in a plane you can see there are all kinds of half-mile training tracks and farms being devoted strictly to standardbred and thoroughbred horses--not so much thoroughbred, primarily standardbred. I guess Greg Wright has one of the biggest operations down there, and he does not race in Ontario.

Mr. Mancini: He started here.

Mr. McDonnell: He started here, certainly, but economics dictate that he--the purses are not there for him.

Mr. Chairman: Are there any other questions?

Thank you very much, gentlemen; it has been a very informative day for us certainly, and we appreciate your candour in appearing before us. We will be putting together a report, and I am sure we will have all kinds of recommendations for you.

Mr. Hardy: We would like to thank you for doing this. We were delighted to come here and tell you gentlemen, as best we could and with complete honesty, what is happening in racing as seen through the eyes of the participation of the Ontario Racing Commission.

Certainly you have made us quite aware of some of the areas of concern that you have, but we look forward to the report and we will be looking at it.

Mr. Mancini: I do want to say one thing. You are the only person I have met working for the government who wishes to cut his salary.

Mr. Chairman: No. He said to raise the vice-chairman's.

Mr. Hardy: I would like to say that my association with the racing commission is such that there is not a member on that commission who is not dedicated. And the dollars are not important to them; they are there to do a job and they enjoy doing it.

I think I should put on the record that the Ontario government is very fortunate in having the quality of individuals that they have day to day on the administration side, such as Mr. McDonnell, Mr. Paradis and Mr. Roelofson, who are all highly dedicated and highly knowledgeable. I suggest that they would compare as equal to or better than any other administrative body in the Ontario government.

Mr. Chairman: Thank you. Gentlemen, we will meet again next Tuesday at 10 a.m.

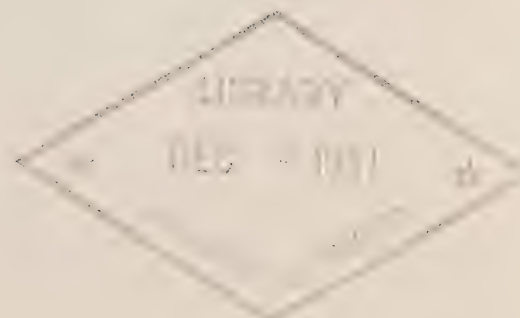
The committee adjourned at 3:40 p.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

AGENCY REVIEW

TUESDAY, SEPTEMBER 22, 1981



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breaugh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K.. (Simcoe East PC)
Piché, R. L. (Cochrane North PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Watson, A. N. (Chatham-Kent PC)

Clerk pro tem: Arnott, D.

Research Officer: Eichmanis, J.

From the Ministry of the Environment:
Waud, P., Planner, Environmental Approval Branch

Witness:
Crone, O., Chairman, Farm Pollution Advisory Committee

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Tuesday, September 22, 1981

The committee met at 10:15 a.m. in room No. 228.

AGENCY REVIEW
(continued)

Mr. Chairman: Gentlemen, I see a quorum. We welcome Mr. Otto Crone, who is chairman of the farm pollution advisory committee, and Peter Waud, who is a planner with the environmental approval branch of the Ministry of the Environment.

How are things in the Ministry of the Environment, Mr. Waud?

Mr. Waud: I think they are very good at the present time.

Mr. Chairman: Good. Mr. Crone, would you like to start off and give us some information as to what the advisory committee does, make some comments on the legislation and regulations under which you work, tell us what problems you have had, if any, and give us suggestions for improvement? We have some idea of what your operation is and why it was created in the first place, but I'm sure the members of the committee would like to hear all that.

You can sit down. You don't have to stand. It's very informal, Mr. Crone.

Mr. Crone: Very informal. Okay. Thanks, Mr. Chairman.

The farm pollution advisory committee was created in 1973 by the Ministry of the Environment pursuant to section 3(1) of the Environmental Protection Act; so we are a committee established under the Environmental Protection Act of 1980. That section authorized the minister to create advisory bodies with respect to the administration of the act.

The need to create this particular advisory body arose out of the difficulty of interpreting specific sections of the act that exempt the disposal of animal wastes in accordance with normal farming practices from the legislative scope of the act. In other words, so long as farmers dispose of their animal wastes--and, I suppose, not only animal wastes: operate their livestock operation--under normal farming practices, they cannot be prosecuted under the act.

There seemed to be a problem, however, which centred on the meaning of normal farming practices. Apparently, the ministry felt that those directly engaged in farming would have the necessary expertise to decide whether a particular farmer was operating according to what could be described as a normal farming practice.

The committee is composed of four members drawn from the farming community. They are myself; Harold Eubank, who was a member but who was taken ill and died last month, so that Harold

is no longer with us; Don Switzer of Smithville; and John Peart of Caledonia. For the purposes of administering the act, the members of the committee had been made provincial officers by order in council number 699/73.

Financially, the Ministry of the Environment allocates about \$25,000 a year for the operation of the committee. This sum has not been used in any one year up to this time; usually the amount used is under half the amount allocated.

Ordinarily, ministerial advisory committees are created in order to provide expertise to the minister with respect to some policy procedure. The farm pollution advisory committee provides expert advice to the minister in a general sense. In actual fact, the members perform a regulatory function in that they seek to resolve disputes in individual cases.

The process works as follows: Ministry officials responsible for administering the Environmental Protection Act receive complaints made by individuals claiming that a particular farmer is affecting the environment by polluting the atmosphere, land or water through the disposal of animal wastes. We say the disposal of animal wastes, but actually they may complain about housing procedures and manure storage as well as disposal.

Ministry officials, along with representatives of the Ministry of Agriculture and Food, will approach a particular farmer and discuss the matter. In most cases, I believe, ministry officials will have made a visit first before they involve the Ministry of Agriculture and Food, and they do that when they feel there is some practice that will likely need to be looked at.

At this stage the farmer may reach an agreement with these officials or he may not. When no agreement is reached, ministry officials will call in the farm pollution advisory committee to help resolve the matter. The members of the committee will visit the farm concerned. I might add that we will also visit the complainants to hear what they may have to say regarding the situation.

The question at issue, which is whether the farmer is disposing of animal wastes according to normal farm practice, or housing, or the disposal of deadstock or this type of thing, will be looked at by the committee.

10:20 a.m.

The committee will then meet after that day, some day at the committee's mutual agreement, likely at the residence of one of the committee members, to discuss the whole issue and rough a report--get our ideas on paper and report on it, make our conclusions and make our recommendations if we have judged that improvements should be made in the operation.

Really, when the farm pollution advisory committee makes that evaluation I believe we appear to be a successful adjunct to the Ministry of the Environment in administering the Environmental Protection Act. Usually we are able to resolve problems

informally, usually to the satisfaction of all concerned. Its success undoubtedly can be attributed to the fact that we are also farmers judging other farmers and their practices.

If there is a problem within the committee, it is that there has been no turnover of committee members since we were appointed in 1973. Because we have had no turnover of members, two things are likely to happen. One is that, even if our procedure is an acceptable and good procedure, our expertise is not being passed on to local people in the event that there might have to be a sudden change of quite a few members. If new members were appointed, they could gain an appreciation of changes in practice and could possibly become more interested in new practices as younger people come in. But this may not be happening at the moment when we are all farming and possibly at an age where we are not expanding or going into new types of operations.

As in most areas of light farming, technology change is occurring rapidly, and practices that seemed appropriate, say, in 1973, 1974 and 1975 aren't always appropriate now. It's in this connection that we note that the operational review conducted by the Management Board in 1979 recommended that there be a rollover of members, and I think that recommendation was made by them as a result of a visit with me. I had suggested that.

Mr. Chairman: Which year was that?

Mr. Crone: In 1979. Further to this point, if the committee is to become a permanent fixture of the Ministry of the Environment, it may be necessary for the committee members in consultation with the Ministries of the Environment and Agriculture and Food to develop more formal methods of assessing normal farming practices. Minimum criteria possibly could be useful from the perspective both of the committee's work and of the farmers of Ontario.

While they may not wish to interfere with individual farm operations, the publication of minimum standards and their distribution to farmers could be of help to establish a recognized definition of what constitutes normal farming practices with respect to disposal of animal wastes.

I might add that I believe the Ontario Pork Producers Marketing Board is making some attempt right now at trying to put together what should be normal farming practices for pork producers for the housing of pigs. They seem to have recognized that there could be a problem as a result of some activities in England that have come to our attention. There, a lot of do-gooders seem to feel they have the answers to the farming practices that farmers should employ without any knowledge of it.

In the case of pork producers, they are making some attempt to put something together. It would be very difficult for all commodities to put something together and to publish it, because operations vary so much from one end of the province to the other. It would be a very difficult assignment, but perhaps some effort should be made. Maybe something could be done together.

That, Mr. Chairman, is a brief outline of what our activities have been in the past seven or eight years. We started off with four members and there are three of us left now.

Mr. Chairman: There is a vacancy now.

Mr. Crone: If it is to continue as a four-member committee, yes, there is a vacancy.

Mr. Chairman: You would advise that there be at least four members, would you not?

Mr. Crone: I believe in the original formation of the committee the intent was to try to cover as many sectors of livestock and poultry operations as possible. I believe our members pretty well did that. However, the operation of the member who is now deceased has, if anything, expanded since 1973. My own operation has expanded somewhat. One of the members has dispersed his cattle, but as his dairy herd operation had continued with the poultry, poultry is covered. The remaining member dispersed his beef operation. So none of the three of us has any cattle at this time.

Mr. Chairman: Do you think that avoids a conflict of interests in any way in respect to being on the advisory committee?

Mr. Crone: I have no complaints with the other two members. I think they are trying to be as fair as possible. I suppose it is somewhat as was said earlier in the statement; a natural interest in what is new and what is developing on down the road in a particular commodity when you are not involved in that commodity would not likely exist.

I suppose if there were a real dispute with a farmer of a commodity that is not represented on the committee, it could be an embarrassment to the Ministry of the Environment to have to point to the expertise in the field and then not have someone on the committee involved in that area of livestock.

Mr. Chairman: I believe you said that all four members, including the recently deceased member, were active farmers.

Mr. Crone: Oh, yes.

10:30 a.m.

Mr. Chairman: I am just wondering if it might be a good idea to have somebody on the committee who is not necessarily an active farmer but who has some idea of farming operations; a graduate of Guelph, for example, in agriculture, or someone who has some idea of farm operations and what is normal farming practice and what is not normal farming practice.

I am just wondering if it might add a new dimension to your committee to have a city slicker on there, or even a young lady who is knowledgeable in that area.

Mr. Crone: The members of the committee, the three of

us, are still actively farming, but two of the members have changed their operations somewhat. As for a nonfarmer, we have the Ministry of Agriculture and Food as engineers.

In difficult situations with very large operations which we felt were beyond our expertise, we have already been down to the University of Guelph for assistance and have picked the brains of the best people involved in agriculture that we know of, those who have the educational and scientific background. That has worked fairly well, in my opinion.

Mr. Chairman: Do you recall any time when the recommendation of your committee has not been accepted by either Ag and Food or Environment?

Mr. Crone: I do not think so. The Ministry of the Environment has consistently accepted our recommendations and has carried them out.

Mr. Chairman: There is no adversarial situation between Environment and Ag and Food over normal farming practices, by any chance?

Mr. Crone: Not in my opinion. The Ministry of the Environment inspectors may not have a lot of expertise in farming; and when a situation cannot be resolved, or when they are at a loss as to what the result should be, they call us in. That, I believe, is our function in this area, and it has been working.

Mr. Chairman: I think you have indicated you need at least four members, that you have sufficient to do to keep you all occupied.

Mr. Crone: Four members do seem to work very well. You can travel four in a car together and you can get a good cross-section of livestock and poultry that would likely be involved.

Mr. Edighoffer: Mr. Chairman, I wonder if Mr. Crone would give us an example of one of the easiest cases he has handled and one of the toughest cases he has handled.

Mr. Crone: One of the toughest cases, I suppose, is ongoing, and I am not going to pretend to satisfy all people at all times. We do have a situation in Ontario that is very unfortunate in that we grant severances where people are allowed to build in close proximity to livestock operations or, even if there had been an adequate distance of separation, where a growth and change in farming practices has increased the numbers of livestock so that the separation distance is no longer satisfactory.

I suppose one of the worst situations that I know of at this time is an operation near Petersburg where a large feedlot has been established. I believe back about 1969, 1970 or 1971 a residence was constructed on a small parcel of land of about 10 acres--I suppose it would be classified as a rural estate--downwind from the operation. At the time that the party decided to

purchase this parcel of land, there were about 2,500 head of cattle on feed. There must have been odours on this property at the time it was for sale, but they went ahead and purchased it, assuming that it was not very serious, and built a nice home. The operation has also grown, and within two or three years they were not happy with the odours any more. We have been back a number of times.

The operator works very closely with the University of Guelph in determining ways to suppress odours as much as possible. It has grown into the largest feedlot in Ontario that I know of, with about 5,000 head on feed at one time. With those kinds of numbers, there is a great deal of odour; it depends on varying weather conditions how large an area the odour will affect.

However, it is just impossible to satisfy this complainant. I believe she has written to the ministry several times and to the Premier. We have reviewed it several times. We have had onsite visits with the University of Guelph people and some people in the Ministry of the Environment, and we have concluded that for the size of the operation he is doing a good job. But this person has not accepted that and I don't suppose ever will.

She has had contact with the Environmental Law Association. In her most recent activity she has complained to the Ombudsman's office, and they have done an investigation and filed a report. That is where it stands now. Everybody has been involved. The operation has been upgraded to the best scientific knowledge that is available, but that particular complainant is not happy.

You also asked about the easiest one to resolve. I can think of one where there were bitter complaints of odour. Some residences were close by, and the owners complained that it was likely manure and should be handled differently et cetera.

We were asked to have a look at the problem. It involved a very small enterprise and, as a matter of fact, by the time we got there, the barn had been emptied of livestock. But I concluded that the amount of the manure and the size of the operation should not have affected anybody nearby.

However, walking around the barn there was a skeleton of a large sow that had died and that someone had dragged out the back door. It decomposed during the warm weather of the spring and summer and could not help but create a very strong odour for some distance.

By the time we got there it was over, because there was nothing left to decompose. We said, "Dispose of your deadstock according to the Dead Animal Disposal Act," which requires that it be removed or buried within 24 hours. That was not done in that particular case. It was dragged behind the barn and forgotten about. We certainly don't condone that. As a matter of fact, we have asked that deadstock be disposed of immediately when we find that deadstock has not been disposed of properly, even though that had not been the complaint.

10:40 a.m.

Mr. McLean: At the meetings that you had last year, what would be the average attendance of your members?

Mr. Crone: In the seven years I believe there has only been about two or three farm visits when we were not all in attendance.

When I am asked to arrange for a meeting, I try to make an effort to accommodate all the other members so that we go and visit the farm when all members are present. There was one where a member was sick and would not have been available when it was proper for us to attend, and I believe there was one visit when one of the members was down south in the winter.

Mr. McLean: Okay; that is fine.

The second question I have is, at what stage do you people come in? I know that usually, when there is a complaint, they phone the local Environment people and they come and look at it. They probably write a letter to the complainant and try to solve the problem, if it is easy. At what stage do you people come into the act, to try and settle it? Is it a recommendation from the local Environment person?

Mr. Crone: Yes. And I suppose the direction is kind of loose. We have not been given formal directions really. However, I have always insisted that at least the supervisor of that district agrees that we should be involved. As long as I have been satisfied that he knows about it and has wanted us to come in, I have responded to a request by phone rather than waiting for a formal request by letter et cetera.

I suppose the stage at which we come in varies. If the inspector in their district office feels it is rather a frivolous complaint, I am sure they would not call us until they are satisfied that the complainant just will not give up. There are other situations where they may feel it is a serious problem, and the farmer is not very co-operative or receptive to environmental inspectors; so we may be called in as a second or third visit.

I guess the answer to your question is that it depends on the situation and the judgement of the individual case.

Mr. McLean: Okay. The third question I have is, what parts of the province are actually covered by members? You are from Hagersville; that is in western Ontario?

Mr. Crone: South-central, I suppose. It is south of Hamilton.

Mr. McLean: Smithville would be eastern Ontario?

Mr. Crone: No. Smithville is in the Niagara Peninsula. Mr. Switzer is the farthest member away. Smithville is the other direction from Hamilton, about 25 miles. I am at the extreme west

end. Don Switzer and I are the farthest apart; we are about 40 miles apart.

Mr. McLean: And Caledonia, where is that?

Mr. Crone: In between. It is about seven or eight miles from Hagersville.

Mr. McLean: So you have no representation from eastern or northern Ontario?

Mr. Crone: No, we have not.

Mr. McLean: Would you not feel that would be more reasonable to have the representation across the province?

Mr. Crone: It would probably be reasonable but, as I see it, it would be impractical. It would be impossible for a committee to be scattered across the province, say with someone from Peterborough and someone from Hagersville and someone from Chatham, because how would you get together on a day to visit a farm when you have livestock yourself, because we attempt to do all visits in one day. It will likely make a long day, quite often.

Mr. Chairman: It would play hell with the expense account, too, would it not?

Mr. Crone: It sure would. Secondly, if you got the people together, then to get them together again to agree upon and hash out a report, that would just be a monster.

Mr. McLean: What percentage of the ones that you have investigated are in western Ontario and eastern Ontario?

Mr. Crone: It seems to go by spells a little bit. I have never tried to work it out in percentages. We were east of Toronto once this year. We were north of Toronto on two calls this year, and there were two other calls (inaudible).

There are not a great number of calls. I believe when we were first appointed, the first year, we did about 14 or 15 farm visits in one year. We have been as low as three.

Mr. McLean: What effect did the new regulations that came out have on you? Has it made a difference with regard to building severances closer to farms?

Mr. Crone: Are they in regulation now? There is a code of practice. It is not a regulation; it is a guideline. We attempt to deal with the situation as it is. If a severance has been granted that in our opinion should not have been granted, we only deal with it as it is and judge the farm as to whether he is operating a good practice. That is our mandate.

If there is a situation where the severance is so close, it will likely be impossible that we can upgrade, especially if it is already doing a good job to the satisfaction of the complainant, so that they will not receive odours at any times.

One we visited last week was where the original farm house had been severed. Someone decided that a farm house is surplus to the operation, and the municipality permitted that surplus farm house to be severed. It is adjoining the farm yard, downwind from the barn, and the operator is doing a good job. So be it. In our opinion, if he is doing a good job, there is nothing further that can be done. If it was in error, well that is something we will have to live with.

Mr. Chairman: Bearing in mind that when there is a complaint made it may be because of certain atmospheric conditions or inversions, or the wind may be in a certain way, I am just wondering when you are replying to a complaint, do you bring in people from the Ministry of the Environment with you when you view this situation, or does the committee go alone? Is your first visit just an inspection trip, or do you have some technical apparatus that will measure the degree of pollution or contamination or hoofra pollufra or whatever you want to call it?

Mr. Crone: The only instrument I know of that measures odour is your nose, and we have to rely on that.

Mr. Chairman: Actually there is another. Mr. Waud, don't you have some type of technical equipment to measure the degree of atmospheric pollution, as you would to measure noise?

Mr. Waud: We have equipment to measure noise, yes, and you can measure concentration of contaminants if you can collect them and analyse for them. But I think Mr. Crone is correct, the nose is still the best determinant of whether there is an offensive odour or not.

Also, I suppose we have to consider, odours that are offensive to some people are not offensive to others. For example, we had one member of our staff who said he could not call some farm odours offensive because he grew up on a farm and they were not offensive to him. He is quite prepared to admit that they might be offensive to somebody else.

Mr. Chairman: That may be why you need an independent, uninitiated member on your committee.

10:50 a.m.

Mr. Crone: Your other question, Mr. Chairman, was, are we accompanied? Yes, we are. The procedure is, when we are called and if it is some distance from home--and usually it is--whoever contacts us from whatever district office, whether it be Barrie, London or Cambridge, someone, usually an inspector who is familiar with the case will meet us at the office or at a convenient location and direct the way and introduce us to a complainant or a farmer.

Otherwise, if we went by directions, we would likely spend a fair bit of time being lost. Therefore, it is a help. We are being introduced to the people, and oftentimes a discussion of the problem with the complainant may resolve it and end it if it is not a serious matter. Quite often there may be some simple thing

that the farmer can implement and it can be resolved very easily then.

However, regardless of whether there are recommendations or not, we do prepare a report for the Minister of the Environment, with a copy going to the Minister of Agriculture and Food.

Mr. Breaugh: I have a few little things that I would like to try to clarify here. First of all is the problem itself. It strikes me that in most respects this is not really a pollution problem, it is essentially a planning problem.

When I was on the region of Durham council, one of our major concerns was, how do you integrate all of those city people who want to come and live in a rural area but as soon as they get there they do not want it to be a rural area any more? They have a quarter of a million dollars invested in a house and a swimming pool and they want to run two quarterhorses in the back, but they do not want anyone to run a beef operation across the road.

Our view was essentially that there had not been planning in a lot of the parts of the region before and, if we had been successful at a planning level in sorting that out, we would not run into this kind of problem. Is that not a basic fault in the way this thing is set up? This is really not an environmental approach to it all?

As you say, basically, what you do is you go out and smell, and that is hardly a sophisticated environmental analysis. You basically go out and see what is going on.

Mr. Crone: Odours that people do not like are a discomfort, and it is considered pollution. We have been involved in water situations that are definitely pollution, which we will also look at but--and I suppose your assumption is right--there are problems with planning. This was pointed out away back when the first code of practice was written, and it has been used as a tool.

However, if you drive around the province--I can recall being called to a situation near Ottawa where there was a very bitter dispute, and they thought the farmers were terrible. Not only did they think the farm operation was terrible, but in this particular case it was very large and very odour-producing. Yet there was a basement being excavated less than 100 feet from the manure pile of the 1,000-odd animal barn. It proceeded even though the community was so bitter about this operation that it got to the stage where we were called in, and yet construction was proceeding.

I can point to another one where there was a severance granted to a person across the road from a hog operation, and before the house was completed he was petitioning and causing the municipal council discomfort, and in turn, the Ministry of the Environment. He had not even completed his house and was not living in it. Yet the severance had been granted.

Mr. Breaugh: That is what I think is screwy about it. If

I ran a farm in Sulphide, Ontario, I would not have to deal with the farm operation the same way as if I ran it in Pickering, where I would have a lot of nice homes and large rural estates all around me. In other parts of the province, around Tweed, Sulphide, Bancroft or wherever, there is nobody to complain.

Maybe one of the reasons you do not get any complaints from eastern Ontario is that in a lot of those areas if you do have severances, they are the farmers' sons and daughters. They do not think that is a stink at all; that is the way air smells.

Mr. Crone: I don't think in our experience that it matters whether it's a farmer's son or daughter. In some cases they're worse than others, because they've been on the farm years back and they think they know what normal farming practice is: it's something their dad did 30 years ago. And things have changed.

I suppose, on the other hand, that earlier, back in 1973 or 1974, there were quite a few farms they did visit in eastern Ontario. The farm visits we got involved in became fewer after the first few years. It may also be that inspectors have got the feel of how we judge farm operations, and maybe they're doing a better job.

Mr. Breaugh: One other problem I'm a little concerned about with your group is the way it's made up.

When we had to deal with this kind of planning operation, one of the perpetual problems we used to have was that farm organizations would come before the planning committee and they would be adamant about saving farm land and farm operations and how it should be run and all of that. They complained about the regulations and they took a very strong line. Yet those same people would be in front of your land division committee the following week looking for severance for their son. We had to try to sort out that problem.

For example, the city of Oshawa is now, geographically anyway, a little more than 60 per cent farm land, yet it's in the middle of a city. We have the city councillors listening on the one hand to official farm organizations coming in and saying, "You've got to save the farm land," and yet the farmers would be in the next week saying, "Yes, but I want to sell my 100 acres." You get that kind of personnel problem.

When you have farmers as the exclusive group, you get some very funny decisions out of them. Part of the problem in the region of Durham was just that: land severance committees were composed almost exclusively of farmers in the rural areas, and some very unusual decisions, to be polite about it, came out of those groups.

Isn't that a problem for you? Four farmers walk in and make a judgement on a farm; if I were the urban dweller looking at that, I would say: "This is quite a court I've got set up here. There are four on the other side who are making a judgement call." Wouldn't it be better from your point of view to try to get, say,

have four farmers who go around and visit a farm where there is a problem, and they can talk to the farmer and probably convince the guy that he or she should clean up the operation in some way. And that is seen as the resolution of the problem. It would be a little more accurate to call it a kind of public relations arm of the Ministry of the Environment, which is essentially what it does. Isn't that true?

Mr. Waud: If I may answer that: I think, to some extent, yes.

I think you are quite right, and we believe, that many of the problems are caused by planning decisions, by putting residences just too close to livestock operations or vice versa. One of the things that we in the Ministry of the Environment try to do is to advise on planning decisions. There are a number of cases where we have advised or recommended against certain severances or plans of subdivision simply because they were too close to farming livestock operations or where we have recommended against zoning changes because they were too close to livestock operations.

Mr. Chairman: Does somebody from the ministry attend land division committee meetings, for example, when there is an application just for a land severance?

Mr. Waud: As far as I know, sir, we do not get very many applications for severances referred to us. This is all handled by our regional staff. At one time--I am speaking back, now, eight or nine years ago, when I was with the air management branch--we would get the odd one referred to us and we would comment on it. But I don't think we get too many now; it's entirely up to the land division committee whether they refer any applications to us for comment.

Mr. Breaugh: You mentioned that you were considering setting up some kind of guidelines. Don't you really feel that there are enough guidelines, codes of practice, regulations, marketing boards out there now? Do we really need to have another set of quasiregulations put together?

Even if you could do it, how in the world would you go through that vast array of farm operations that are out there and come up with a set of guidelines? There is everything out there from the little family farm, with a little bit of this, that and the other thing, to huge industrial operations now in Ontario. How would you devise a set of guidelines, and why would you want to?

Mr. Crone: Anything on paper may be of some assistance. I mentioned the pork producers; they are making some attempt. I would be very nervous myself about it, but if commodity groups could assist in some way they would be welcome. That's what I elaborated on, I believe, in saying that the operations vary so much.

There's also the disadvantage that, if you put something on paper--for example, that hogs should be housed inside--and you go somewhere else to some very small, retiring operator who has some

out in pasture, somebody making a complaint could point to that and say, "Here is a fellow letting them run outside; that doesn't meet the guidelines." For the situation it may be satisfactory; and that would be one difficulty, I will agree, of putting guidelines on paper.

Mr. Breaugh: It would also be a tremendous opportunity for larger farm operations to squeeze everybody else out, particularly those that are financed by food companies.

Mr. Crone: I think the alternative is to leave it open and let a committee determine whether the individual operation is following good practice.

Mr. McLean: Mr. Chairman, I think there's one problem here. When you go and get a permit to build a barn you've got to go to a Ministry of Agriculture office and make sure the barn is so many feet from a residence. The problem is that when you get a severance to build a residence you don't have to see that it's so far from any building.

Mr. Chairman: That's something a land division committee should look at.

Mr. Breaugh: It depends on where you are, too.

Mr. Waud: With respect to having to get the okay from the Ministry of Agriculture and Food or from us, I think that depends on the municipality. Some municipalities would issue a building permit without referring it to any provincial agency; other ones--

Mr. McLean: For a barn?

Mr. Waud: I believe so, sir.

Mr. McLean: You can't do it now. Doesn't the code of practice state that you shall have a--

Mr. Waud: Yes. But the code of practice is not mandatory. Some municipalities follow it, I would say too closely in some respects. You are right, I think. They apply it to farmers in some cases without applying it to residential development.

Mr. Breaugh: One thing I want to finish with is that I had one problem in going over what you did. It seems to me it's not a bad idea to have a group of people who advise the ministry in this regard. What I found to be a problem, though, is that four people--now three people--are the chosen ones in Ontario who go around and make these decisions, because you have noted, and Management Board noted, no change in personnel.

It strikes me while that is--perhaps the word would be--comfortable, I don't think it's very reasonable, and I would like to try to emphasize what would be wrong with, say, having a panel of farmers from around the province and other people. Out of that panel of 100 of them, pick one to work eastern Ontario, one

to work the north and a couple to work the Toronto area, in and around Metro and down through Niagara.

11:10 a.m.

What would be wrong with using a kind of panel system so that it wasn't the same four people who got into the same car and went to the farm but, rather, different people? You select a panel of three from long lists of names and you solve your travelling problems and your expense account problems that way. Why would you not opt for that kind of system?

I am a little concerned that such a small number of people for about eight or nine years now have been the people functioning on this committee, advising the minister in that regard. I recognize there would be some experience gathered and gained through the years and all of that stuff but, if you really are an advisory committee, shouldn't we be seeking to have that with a much broader base?

Mr. Crone: To begin with, as far as being a comparable situation is concerned, I suppose it could be looked on in that way. I don't mind saying I would be happy to be relieved of it because of my demands at home. It is more difficult for me to get away, because my son has gone to university now; so I can't point to him in the morning and say, "You make sure you are home at night to feed the livestock."

Going back to your concern: I believe originally, in 1973, when this was a new idea--how we were chosen, I don't know. The first I knew about being a candidate was when I got a call from the local agricultural representative who wondered if I would be home on a certain day, because I believe it was the Deputy Minister of the Environment and someone else were going to come and see me. I didn't know for what reason.

Eventually, when I was told the reason, I was nervous about accepting the job. However, I felt that, if for some reason I was selected and might be a suitable candidate, perhaps for patriotic reasons I should accept that. At that time there were a number of outstanding problems in the Niagara area, and possibly we were not too far from the Niagara area. My understanding was that there would be other committees if this trial committee worked, if it provided some satisfactory solutions to the outstanding problems.

There were a few severe problems in the Ottawa area and, not having established any further committees, we were asked to go and look at those, which we did. Using air service out of Hamilton, it turned out to be very convenient. We can go to Ottawa and look at a farm within close proximity to Ottawa more conveniently than, say, Bowmanville or even Chatham because of the air travel.

For example, after looking after my barn in the morning, I could be at Mount Hope at eight o'clock to hop on a plane, be in Ottawa shortly after nine, be back on a plane at a quarter to five and be back home at 6:30 p.m. to look after my livestock again. So a number of situations were looked after in that fashion.

After the first year or two, the number of farms we were asked to look at was reduced. For some reason I don't intend to explain, there were no further committees established. Probably the workload wasn't that great to warrant it.

Mr. Breaugh: I just found it strange; for almost every other purpose that I could think of, from evaluating livestock that has been killed to fence viewing or severances, we use an entirely different technique. We pick up local people; we have lists of them that go in, and we pick them up that way. Some are very active, and some are not; some might only meet once or twice a year.

Why is it that we have this one little group of four who are supposedly serving the province but in reality not really serving the province? How did we get into that bind? I suppose it just happened.

Mr. Crone: Just to restate what I said before, I do not know why we were picked. I think we have served the province; we have responded to every request that we have had where we have been wanted, in any part of the province. We have been east as far as close to the border, the Ottawa area; I have been north as far as Orillia.

In the extreme southwest there is very little, because there is very little livestock operation; so there has not been very much west of London. One trip was to the Essex-Kent border, but there is very little in Essex and Kent because it is predominantly cash crop.

Mr. Breaugh: In reality, though, your committee has never been in northern Ontario.

Mr. Crone: Not north of Orillia.

Mr. Hodgson: The air is so fresh up there anyway.

Mr. Chairman: Mr. Waud, would you like to add anything?

Mr. Waud: I was just going to suggest, sir, that possibly one of the reasons the committee has stayed the same for so long could be just sheer inertia on the part of my ministry.

I may be partly responsible for it as I am the person who provides liaison between the committee and the ministry. It is our feeling that the committee has been performing satisfactorily. There has been no pressure to change the members of it, the composition of it at all.

However, I do think it would be a good idea to change the members periodically. I would suggest that it would not be a good idea to change them all at one time but possibly to appoint members for a period of one or two years on a staggered basis so that you do get some change.

With regard to drawing them from a panel, I think there is some merit in that idea. The only thing that has occurred to me at

the present time is that it might make it a bit unwieldy unless you appoint a committee from the panel to act for a specific period of time. Because when a problem arises we generally like to get the committee involved in it fairly soon. If we have to approach a panel, and then have them appoint members to do it, that can all take a bit of time.

Mr. Mancini: There certainly are not any farmers from Mr. Breaugh's riding that you could appoint to the group. Several from my riding I would like to recommend.

Mr. Breaugh: I have one to appoint in (inaudible)--

Mr. Waud: As far as taking people from different parts of the province goes, there is merit in that too. The only thing is it can make the getting together and the writing of reports and that sort of thing a little bit difficult.

Mr. Chairman: What about the makeup? Do you feel that they should all be farmers, either actively practicing farmers, or former farmers?

Mr. Waud: At this time, yes, sir, I do. The committee can consult with people from the Ministry of Agriculture and Food, from our ministry, from the University of Guelph, and they have done so. They also talk to complainants; so they get the complainants' point of view.

They are farmers themselves. They have noses. They sometimes do not like what other farmers do. Some of the complaints, as I think Mr. Crone will tell you, have come from active, practising farmers themselves who do not like what a neighbouring farmer is doing.

Mr. Breaugh: Or do not like the neighbouring farmer.

11:20 a.m.

Mr. Chairman: As far as viewing normal farming practices is concerned, I would think that a farmer member of the committee would have a better idea, assuming that he was a pretty good manager himself when he was a farmer, and would have a better idea of what normal farming practices would be, rather than, shall we say, a civilian member of the committee.

Mr. Waud: I agree, sir. I think that is right. I also think that an active, practising farmer is possibly a better judge of many things than somebody from the Ministry of Agriculture and Food or the University of Guelph. I don't want to downgrade them too much, but there is a lot of benefit in having practical experience.

The same thing applies to any walk of life: Academics can give excellent advice at time, but often it is the person who applies them in business or industry who has a better idea of what is the most practical thing to do.

Mr. Chairman: They are not quite tuned to the environment of a farm site, shall we say.

Mr. Waud: I beg your pardon, sir.

Mr. Chairman: They are not quite tuned to the environment around the farm operation.

Mr. Waud: I think the committee is sensitive to the environment.

Mr. Chairman: I was thinking of somebody from the academic world or a nonfarmer.

Mr. Waud: Oh, yes. I certainly don't think they are. I think it applies to anybody; if you have to go out and do the job yourself, you have a better idea of what is practical than somebody who is a desk farmer or a desk engineer or what have you.

Mr. Epp: Mr. Crone, I guess I see your function, described earlier as a regulatory function, as somewhat that of putting out fires, trying to resolve problems once they have developed. Would you agree with that?

Mr. Crone: It depends on your definition of putting out fires. For a purpose that we can't enter property, the regulatory agent is the Ministry of the Environment; and we advise the ministry so they can accept or reject. If they felt any recommendations we made were unreasonable, I assume they would reject them.

But we have come upon situations where there is manure running downstream or down a ditch half a mile from the farm. So to put a stop to a situation like that, if that is putting out a fire, I guess that is what we are doing. I think we are very sensitive and very critical of other farmers damaging the environment, because I think the majority of farmers are probably the greatest environmentalists ever.

Mr. Epp: About how many cases would you have in a year?

Mr. Crone: As I said earlier, I believe we were as low as three one year and have been as high about 14 or 15 a year.

Mr. Epp: Fourteen or 15 a year. How long has this case with the Bechtfield shop been going on, the one you described earlier as being the major problem?

Mr. Crone: I believe the first that the shop complained to the ministry would have been in 1975.

Mr. Waud: I am not sure, but I think it would be somewhere around there.

Mr. Crone: About five or six years.

Mr. Epp: That still hasn't been resolved?

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Mr. Waud: I am not sure, but I think it would be somewhere around there.

Mr. Crone: About five or six years.

Mr. Epp: That still hasn't been resolved?

Mr. Crone: As far as I am concerned it has been resolved, because there is nothing that can be reasonably expected of Mr. Bechtield to do further. However, no, Mrs. Shovey was not satisfied, because she is still recipient of what we consider (inaudible). But with the size of the operations we don't know of anything further that we can ask Mr. Bechtield to implement.

Mr. Epp: The reason I described it as kind of putting out fires is I am wondering what recommendations you have put forth and which recommendations have been adopted by the ministry with respect to preventing similar occurrences in the future.

Mr. Crone: We were brought in after the fact, and the Ministry of the Environment--

Mr. Epp: With respect to that particular case, yes. But with respect recommendations by the committee, where the committee has sat down, four members have sat down and said: "We have these cases across the province. A lot of them resolve around severances. Maybe we should put in a report which the ministry would adopt and, in consultation with the Ministry of Housing, try to prevent similar occurrences in the future." To what extent has the committee looked to the future and done something?

Mr. Waud: May I partly answer your question, sir? I think I can. Before the committee was established, the Ministry of the Environment, or its predecessor department, was already advising the Ministry of Housing--the Department of Municipal Affairs as it then was--on what policies municipalities should have in their official plans regarding severances to control encroachment on livestock operations.

The committee has in a number of reports stated as one of its conclusions that a problem was created by the granting of severances in the past or by the changing of zoning to permit the encroachment. They have said this in some of their reports.

Mr. Epp: What recommendations have been made? Is there anything in the new Planning Act that would help to try to avoid that?

Mr. Waud: I do not think there is anything specifically in the new Planning Act which would avoid that. The province may be able to do something through policy statements with regard to directing the municipalities on what policies they should have on official plans, that sort of thing.

Mr. Epp: One of the problems with severances, as Mr. Breaugh touched on earlier, is that you have the city folk who move out to the rural areas and then complain about the odours. Of course, they also want all the city services out there; they want the fire protection, they want transportation and a number of other things. They want the "conveniences" of the rural area, or whatever goes with that, but they also want to take with them all the urban amenities.

That is one of the problems that farmers face. They get

complaints from the the people who have moved in--sometimes legitimate complaints, other times not legitimate.

Mr. Hodgson: But the farmer has to make application for the severance in the first place.

Mr. Epp: Yes, that is right.

Mr. Breaugh: He is usually all for selling property (inaudible).

Mr. Epp: He sells the farm, or part of the farm, the severance, for whatever reason, or he gets a severance for a senior who retires from the farm. Then that person later moves to the city or passes away.

Mr. Hodgson: (inaudible) the municipality whether they give it to the daughter, the son, senior citizen or whoever. It generally ends up in somebody coming out there and building a beautiful home on it. He is going to sell this just the same as you and I. He is going to get the biggest buck for his severance.

Mr. Chairman: We seem to be mixing the situation here. I was just going to say, Herb, that I think there are problems regarding severances, although I think the land division committees, planning committees and councils are tightening up on that now, particularly where there are new planning acts in various areas.

When a farmer applies for land severance, say, for his son, in many bylaws which exist today they make specific provision for that; land division committees are much more lenient in allowing a severance for a farmer's son--although that son may turn out to be a brother-in-law who, in turn, sells to somebody else. They allow one or two severances.

11:30 a.m.

I do not think that those people, assuming that they are family members, end up bothering your committee about problems at the main plant, do they? They have probably been born and raised there and they know it is a farm operation. I wouldn't think there is anything similar to the objections or comments on the operation that come from somebody who comes from the city and buys a severed lot that may be too close to the plant. You can distinguish between the two to some extent.

Mr. Crone: Except that the severance does not remain. This may be wandering somewhat and it is a personal opinion, aside from the committee responsibilities. A severance seldom remains in the ownership of the person it is severed for very long. If it is a retirement severance, likely in less than five years it will be in new ownership. Quite often, if it is a family severance and if it is not too large an operation, they may be working off at another job even if it was genuinely intended.

Then they may move to the city rather than owning two vehicles. Or they may be transferred. There are all kinds of

reasons for it being sold. Even if the severance is applied for at the wrong location, most farmers are very reluctant to go to a land division committee and object to a neighbour being granted a severance, because probably he has been a lifelong friend.

Mr. Chairman: He might want one himself one day.

Mr. Crone: That is a problem; there is no doubt about that.

Mr. Eichmanis: Would it be a situation where the farmer would have to take the interest of the person who wants the severance, that it is not done in the sense of warning the person that there may be a problem?

Mr. Crone: Yes. But once the property changes ownership and someone else is down the road, that warning does not carry too much weight.

Mr. Epp: I do not want to belabour the thing. I think I have the same sensitivity to the proximity or geography of the appointments that will occur in the future. It would be my strong recommendation that the comfortable pew kind of situation be somewhat changed in the future. Maybe farmers are in a good position to make judgements on some of these things and to make recommendations to the ministry, particularly very successful farmers.

Some kind of changes should be made in the future. That is not to say the present people have not served the committee well; I am sure they have. But I think to give the province more geographical representation would not only be fair but would also be perceived to be fair, rather than trying to suggest that two people from Hagersville, perhaps, had the great expertise to serve better than somebody from Amherstburg or some other place. I am sure those people had good expertise, but maybe somebody should serve five years and then somebody else another five years--something of that nature. But enough of that.

Mr. Crone: I do not know how you would get around the transportation problem. I would welcome somebody from another part of the province as long as I am part of it. However, when you are also in the livestock business, I have difficulty in picturing a situation, say at Brantford, of committee members getting together when one comes from the Brantford area, one from Kingston and another from Kincardine, without neglecting their own operations. After all, that is where their bread and butter is.

Mr. Epp: Mr. Crone, in the past the four members have gone to view a situation. I am not sure that that is necessary. Maybe two people could see it and make a report.

When it comes to a very devilish kind of a problem, such as you indicated earlier with the one at Petersburg, maybe the whole committee should make a subsequent visit. But some of these cases, I am sure you would agree, are not mammoth in nature. Maybe one or two members could view that and give a report on it. I think that is the case in other jurisdictions.

I would not think it would be necessary for the whole committee to view every problem.

Mr. Hodgson: A new problem is developing. I do not know if there is such a thing as having any control over visual pollution. A new farm operation has come into Ontario, and I was fortunate enough to get it in my area, the growing of ginseng. A Chinese syndicate has bought three farms in the King City area. One is under operation. The second one, which you will see as you come down the 400, is on the left side below the Holland Marsh and is in the process of operation. The third farm they have bought is right across the road from a development with homes valued from \$200,000 and up. It is a high-class estate development of two acres.

What they do is put in cedar posts a minimum of about 10 feet this way and 10 feet that way and cover them with slats. It is the damndest looking mess that anybody could look at, these slats. Across from your \$250,000 home, you see 100 acres covered with slats and posts.

The slats are just like snow fence on top of the cedar posts. It is to keep the sun off. The sun is not supposed to shine on this particular plant in the summertime. They have to take it down in the wintertime, and then all you have is these posts stuck there. If it spreads across the province of Ontario--and it is a Chinese syndicate that exports it; it is all exported back to China, Japan or wherever.

Mr. Chairman: What is it? A form of opium or something?

Mr. Hodgson: They say it is good medicine, but it is something we are going to have to look at and control in some fashion.

Mr. Waud: May I make a comment on that? I do not think under the existing legislation that the Ministry of the Environment can do anything. We are not concerned with the visual aspects of something, no matter how much we or other people may dislike something. There is nothing we can do about it.

I would suggest that it may be possible that the municipality, through zoning bylaws, might be able to restrict it in some way. We restrict enough as--

Mr. Hodgson: I do not think the municipality would do anything at all. It is a farming operation. The land is zoned for agriculture, and it is a different kind.

It is the same as the situation where you have been talking about controlling odours of farm operations. I do not know whether you can control visual pollution as well as pollution by odours.

Mr. Epp: It doesn't look any worse than rows of grapes?

Mr. Hodgson: I do not know the people who live there; I do not think they would have any objection to that. But you should see this place.

Mr. Waud: In some areas they do have zoning bylaws which prohibit livestock operations. There have been other types of agricultural operations that would prohibit livestock.

11:40 a.m.

Mr. Hodgson: Not on land that is zoned agricultural. Surely to heavens there is no place in Ontario where you permit other types of agricultural operations but prohibit livestock.

Mr. Waud: I think so. At least, some people tried it, whether it was successful or not. In the same way that you have several classes of industrial or residential types of zones, you have several types of agricultural zones, which control the type of agricultural operation.

Somewhere in southwestern Ontario, and I cannot recall which municipality it was now, some years ago they had what they called A1 and A2, and in one of those zones intensive livestock operations were prohibited. These were just on the fringes of a municipality.

Mr. Hodgson: On the fringes of a town or something or other?

Mr. Waud: Yes.

Mr. Watson: I have a couple of points. In some of these cases of people who are not satisfied, do any of them ever go to court? Have you been involved in giving evidence at court cases?

Mr. Crone: I was in court once as a witness a number of years back, but this is where the ministry had laid charges where a farmer had failed to comply with a control order. In this particular case he was found guilty and received a fine. This (inaudible) has indicated that she wants to proceed, but she has talked about proceeding for some time and nothing has happened. Whether she eventually will or not, I am not sure.

Mr. Watson: Under your terms of reference, would you go voluntarily or would you go under subpoena or what? Are there any guidelines laid down as to under what conditions you would appear on behalf of either party?

Mr. Crone: I would not volunteer to go, that is for sure.

Mr. Watson: No. But if somebody asked you, would they need to subpoena you?

Mr. Crone: The request would come from the ministry before I would know. It would come, for example, from Peter Waud, the co-ordinator, who would likely insist that we know about it; and the request would come from him, or if I was subpoenaed.

Mr. Watson: So you would only go in the case of ministry direction or ministry agreement. You would not go on behalf of an individual who happened to like your opinion and said, "I want you to appear."

Mr. Crone: No. I think we are serving the ministry. It has not happened yet, but off the cuff I would say that I would likely insist that the request come from the ministry.

Mr. Waud: They could be subpoenaed. Anybody who wants them could always subpoena them the same way they subpoena ministry officials sometimes to appear and give evidence.

Mr. Breaugh: Could I just pursue that particular point? The order in council says in part, "The members of the farm pollution advisory committee are appointed to advise the Ministry of the Environment on animal waste disposal methods in specific instances."

In law that is what you are appointed to do, and yet you are the farm pollution advisory committee dealing with other matters. Has anybody ever challenged the legality of that? The order in council is very specific, and yet the terms of reference of your committee are somewhat broader than that and you do deal with other jurisdictions.

Mr. Crone: I do not think we deal with jurisdictions other than farm pollution. Now we have commented--

Mr. Breaugh: But the order in council is much narrower than with farm pollution; it is with animal waste disposal methods.

Mr. Waud: I think most of the problems have occurred as a result of the handling or disposal of animal waste. When the committee was originally set up, it was the air management branch that was responsible.

Mr. Breaugh: As Mr. Watson points out, nobody has really challenged that order in council or the terms of reference.

Mr. Waud: Not to my knowledge.

Mr. Watson: This really leads into one of the other points that I wanted to question you about. I know your terms of reference. You deal with smell, you deal with liquid pollution or water pollution. Have you ever had to deal with noise pollution?

Mr. Crone: No, not that we have been involved in.

Mr. Watson: I realize that your terms of reference are animal waste, but maybe I can phrase this in another way. Do you see your committee or a similar committee providing a similar service for noise pollution?

I also have in mind erosion problems which are prevalent in some of these fields that are a little bit hilly that are being cleared. The erosion problems are becoming serious.

I realize it is a judgement call, but do you see either yourself as a committee or a similar committee providing a reasonable service in that regard?

Mr. Crone: I suppose, yes. We have not been involved. I

suppose in 1973 the noise was not of the importance that it is now or was not noticed to the same extent that it is now with corn dryers et cetera.

Mr. Watson: Noise is a difficult thing to define as pollution, but it can be a nuisance.

Mr. Crone: However, noise is something that can also be measured, where smells and so forth cannot.

Regarding runoff or drainage erosion, I suppose you would not necessarily need livestock expertise to deal with cropping. If members were involved in both, I suppose they could. People who are more interested in cropping or who have practised cropping, or even farmed in an erosion-prone areas, may be the answer, rather than, for example, where I am, where it is very flat and erosion would not be present the same problem. I would not have the same experiences say as someone in the Aylmer area where, of course, the ground is more susceptible to erosion.

Some type of committee might be worth considering. I hadn't thought of that.

Mr. Chairman: Along with your question, Andy, is one of the complaints we had. Whether it was the legislation committee or what have you dealing with a land severance, there was a complaint about noise from within a barn. We didn't know whether this fellow had a woodworking shop or whether he was doing just ordinary carpentry work or repairing his facilities or what it was, but he was using some type of machinery anyway. Every night apparently he would operate this equipment in the barn.

It is unlikely that there is any noise bylaw within that municipality that would affect that rural area; so what does the neighbour do? The neighbour in this instance was a farmer, but he said the noise was just fantastic. I do not know what kind of equipment he had. He probably needed a muffler or something, I do not know. Maybe he was testing his chainsaw or something.

Anyway, what was the remedy for that complaint? I could see really, under the provision of the phrase "normal farming practice"--never mind the disposal of animal waste--it is part of the Environmental Protection Act. Could you not become involved in something like that?

Mr. Crone: I suppose we could if it was a serious problem. Of course, just because someone complains--

Mr. Chairman: A little PR helps.

Mr. Crone: --(inaudible) but under present order in council I do not know whether that could be challenged or not. I don't know. I suppose we have operated kind of loosely and maybe commented on what in our judgement we saw fit to comment and let the chips fall where they may.

11:50 a.m.

Mr. Waud: Under the circumstances the ministry might not ask the committee to investigate. If it were just noise, and had nothing to do with the handling or disposal of animal waste, we probably would not ask them to investigate. I would not say we never would. We might, if there is a question of whether the operation had something to do with agriculture. If it is noise, and has nothing to do with the disposal of animal waste, then I do not think they are exempt from the act.

Mr. Chairman: Who is not exempt?

Mr. Waud: The farmer would not be, sir, because I think it is only the disposal of animal waste--I think I am right here--in accordance with normal farming practices that farmers are exempt from. So that I think our ministry could take some action.

Mr. Chairman: Under the Environmental Protection Act or your anti-noise legislation or what?

Mr. Waud: The section--I am not sure what the number is now; it has been so long since I looked at it--where it prohibits the discharge of anything into the natural environment that causes discomfort, and noise is a discharge to the environment.

Mr. Watson: But what I am concerned about is what is a normal farming practice with regard to noise?

If I can use a little illustration, in my area we have bird scares of all kinds, from shotguns to guns to Avalarm electronic bird scares; and when you have birds around and you have crops to protect, to a farmer I am sure it is a normal farming practice to use whatever device you can to keep them moving on to the next guy. But the lady or man who lives in the next house who is trying to sleep at seven o'clock in the morning when your electronic eye turns on these things, they may not think so. It is another area that I am sure causes some problems.

Mr. Waud: On several occasion I think we have been able to get the noise emitters, the shotguns or whatever they are, relocated so that the noise is not quite so bad for the neighbours. We have had some co-operation from the vineyard operators or the orchard owners.

Mr. Hodgson: In the Newmarket area, right in the town of Newmarket actually, there is a farm grain dryer which runs up all night long from the first week the crop comes in until the corn is finished, and he has won out both times he has been charged by the Ministry of the Environment in court. The last time he just told them: "Go jump in the lake. If you want to charge me again and take me to court, okay." You have very little control over that thing.

Mr. Watson: It must be the planning in Newmarket that allowed it to have it there.

Mr. Hodgson: The farm was there before the houses came.

Mr. Watson: Well, Mr. Chairman, that is one of the

points I want to raise. In your sense of judging these things, in this situation, what priority do you give to who was there first? I would not think you can avoid that kind of information.

Mr. Crone: That is often thrown at us by one party or the other, depending on the situation. Of course, we have only dealt with livestock operations and not noise. We have not had one situation, and I guess the unwritten rule that we have kind of agreed to amongst ourselves is that we have to assume that they are both legally there and then determine whether anything can reasonably be expected to do to lessen the discomfort or whatever.

Mr. Watson: But does it not affect your judgement? Maybe it's a good job it doesn't. What if a fellow has had 25 milking cows in a dairy barn and has been in that kind of an operation and then he has changed, got out of the dairy business and all of a sudden he is into a 1,000 hogs, and the house that has been down the road for 10 years or whatever it is has sort of always existed? In those cases, the farmer has changed. I know it is more often the other way, where the guy sells the lot, but sometimes the farming operation changes. You still make the assumption they are both legally there and judge it on its merits.

Mr. Crone: Until we are challenged, I suppose the potential has always been there as long as the facility was there. There is nothing I know of that is written in as a guideline or as a rule anywhere that can prevent anyone from changing the type of operations which he wishes to carry on in. I have often said to the committee I wish that our recommendations would be challenged by a farmer some time to see whether we are reasonable. It hasn't happened yet.

Mr. Watson: Since you have been on the committee, the agricultural code of practice has gone through several revisions, I guess.

Mr. Crone: That is right.

Mr. Watson: Were you or your committee consulted in some of these changes, or do you feel that any recommendations that you made were a part of these changes? I guess what I am asking is, are you satisfied that the agricultural code of practice represents normal farming practices?

Mr. Crone: Since the committee has been established, whenever there have been discussions I have been part of the code of practice committee. I believe that separation distance formula, the idea of a formula of separation distance, is as a result of a comment that I made back in about 1973 or 1974. The calculations of the formula, I didn't calculate them. It was an agricultural engineer who came up with the calculation and that was discussed and revised. But yes, I have been part of the code of practice committee, one of the representatives of the Ministry of Environment.

Mr. Watson: Are you happy with the present code of practice or do you think it needs changes and in what directions

does it need changes? I am not asking for specific changes to the formula, but what directions does it need attention in?

Mr. Crone: At the time it was printed, I was part of it and I was prepared to defend it. I think it is about a good a code as we could put on paper. If it is applied as it is written and intended, I think it is not bad. However, I can also add I think it is badly misused by--I don't know whether it is proper to point out municipal councils--and misinterpreted, and land division committees make exceptions. It cannot be applied retroactively, because most of our farms have been established when they were cut out of the woods and we can't go backwards.

• Mr. Chairman: What do you mean land division committees don't always apply it properly?

Mr. Crone: Or committee of adjustment. One purpose of the committee of adjustment, I guess, is to give minor variances; and if presentations of the applicants are strong enough and there aren't any objections, I think, quite often they are extremely--

Mr. Chairman: You mean it will be in conflict with the code of practice?

Mr. Crone: Yes. I believe if you read it carefully it directs the same separation distance towards new residences and should allow for the maximum expansion of the agricultural operation and this type of thing. I don't think all those implications are considered.

Maybe it is not even understood by everybody who is using it. That is a complaint I have heard, how difficult it is to understand the separation distances and all that. That may be a fault of it, but I don't know how you try to encompass everything and keep it simple.

12 noon

Mr. Watson: It does not cover the situation I started with, where I said you have a dairy operation that changes to a beef operation. Under the code of practice, a severance that might be permitted under a dairy farm next door would not be permitted with a large hog operation next door. The formula would increase that distance.

Mr. Crone: The formula, to receive a certificate of compliance and for it to be valid, would have to be reapplied for when that change is being made and then the new type of operation applied to the formula to determine whether a certificate of compliance would be valid.

Mr. Watson: I realize that, but then we are into the argument about who was there first.

Mr. Crone: It has not resolved everything, obviously.

Mr. Waud: Once of the things the Ministry of Agriculture and Food and ourselves try to get across to municipalities and

other people involved in land use is that a farming operation may change. What may be quite an acceptable situation now, to have residents within a couple of hundred feet of a farm, may not be acceptable if the farmer changes to another type of operation five or 10 years down the road.

The other observation I would like to make is that many of the problems arising now and which have arisen in the past have been due to land use decisions that were made quite some time ago before everybody seemed to be so concerned about odours from livestock. We are reaping the fruit of those decisions.

With regard to the code of practice, there is a committee called the agricultural code of practice committee, composed of representatives of the ministries of Housing, Agriculture and Food, the Environment--Mr. Crone is a member of it--as well as several representatives of the Ontario Federation of Agriculture. Also on it are several people representing rural townships. We have a fairly wide representation on it.

We feel the present code should be revised. We do not know just in what way it should be revised. There was a revision under way in 1979, and then it was held up because the OFA objected to the code and was going to make recommendations. So its revision was suspended until we got the recommendations of the OFA.

The tendency was that those of us in the Ministry of the Environment wanted to get more into the code with regard to the prevention of water pollution. It was originally oriented towards odours. There have been a number of water pollution problems in the last several years, which threw--

Mr. Chairman: Farm runoff, drainage, that sort of thing?

Mr. Waud: Farm runoff, exposure of manure on fields, insufficient storage capacity and that sort of thing.

Mr. Watson: It is commendable that Mr. Crone is on that committee. It surely must provide a liaison. If revisions had been made without your operating in a vacuum separate to that, I think you are knowledgeable in that; so that decisions you make as a board are improved because you have that background. I hope in the future, whether it is yourself or anyone else on that committee, that tie-in is maintained.

Mr. Crone: I was involved with the last revision in the last code from the start of discussions. I think my experience travelling across the country has been respected and taken into consideration by the rest of the members, even from the other ministries. I am satisfied with the input we had in that committee.

Mr. Chairman: Your work in being on this committee, and viewing at first hand situations where there may be complaints and where there is the question of normal farming practices, this would assist you in your contribution to any amendments of the code of practice, would it not?

Mr. Crone: I believe that is one reason the Ministry of Environment has insisted that I be part of that committee.

Mr. Chairman: I would think that the code of practice, in turn, would be your bible in interpreting normal farming practices.

Mr. Crone: Yes, but there are various ways that livestock, for example, could be looked after and considered normal.

For example, in a dairy herd it has been the practice, and still is, to build barns, especially for smaller herds, where the cows are tied up in stanchions. It is pretty hard to say that would not be a normal practice. There are other situations, mainly in larger herds, where cows are never tied up. They are in free stalls and mostly confined to a paddock where the feed is brought to them.

That is a good practice for (inaudible) operations, and yet there is the other practice where it would be a good practice in particular for smaller herds where they are out grazing in the fields yet. So there are two completely different practices for managing a dairy herd, and yet both could be very good practices.

A code of practice does not, and I do not think it ever will, spell out which practice should be used.

Mr. Chairman: It would not include everything.

Mr. Waud: One of the dilemmas we have in writing or revising the code of practice is trying to keep it relatively simple. Some people criticize it now that it is overly complicated, and if you try to write a code that will provide for every condition--and I suppose one could do it--it will be worse than a treatise on differential calculus, and most people would not be able to understand it and would not read it.

Mr. Chairman: Mr. Crone, can you think of any legislative or regulation amendments that would help your committee in setting minimum standards for what would constitute normal farming practices? Is there something that the Legislature or either ministry can do to assist your committee?

I am not talking about a whole set of guidelines or that sort of thing. I am talking about some amendments, either in regulations or in the code, or in the legislation that might help you.

Mr. Crone: I really do not know. It is frustrating, some of the situations that do exist and appear to be developing and, to be quite frank, I do not know what the answer is.

One problem--this is maybe wandering off a little different again--is that municipal councils do the planning, but environment is the responsibility of the province; and there we have two different levels. I suppose it is human nature for a municipal

council not to take environmental considerations as seriously as they would when it is not their responsibility.

Mr. Chairman: The Minister of Agriculture and Food is always asked to comment usually in areas where the land is zoned agricultural in respect to land severances, or application for subdivisions and things of that nature. There is usually a request for comments from the Ministry of Agriculture and Food in respect to these changes in land use in rural areas. I would assume that they would keep in mind the code of practice in putting together any comments or recommendations.

12:10 p.m.

Mr. Crone: On behalf of the Minister of Agriculture, it would normally be a function of the county ag rep. They are also very busy people, and I do not know if they do an onsite visit of everything they are asked to comment on. They also, I suppose, have the same pressures that a council may have, that if they do a site visit that same person has a dual interest in retirement as well and may have been closely associated with the individual who is also interested in the retirement lot. It is part of the problem of local decision-making, I suppose, where you are so close to the people who are affected by the decisions that are to be made.

Mr. Chairman: I would not worry about the retirement lot; I do not think that is a problem.

Mr. Crone: The retirement lot, I believe, in less than five years down the road is no longer a retirement lot.

Mr. Chairman: You mean it will be sold to a third party.

Mr. McLean: About 80 per cent of them are sold.

Mr. Chairman: Maybe there should be a caution on title or something, a caution like, "This home may stink" or something like that, in big red letters on the deed.

Mr. Hodgson: Is that possible? You are a lawyer; could that be put in the deed?

Mr. Chairman: It is possible, yes. One of these bearded planners could require that.

Mr. Crone, another area that you mentioned and touched on briefly is the farm drainage or runoff, maybe liquid manure or fertilizers or insecticides or all these various chemicals that the big farm operations use. I have always been convinced that one of the greatest sources of water pollution is farm runoff. Whether there has been any improvement or not in the last 10 years, I do not know.

Do you find the situation where your committee visits a farm and, although it may not be the source of the complaint, you can see that, because of the farming practices of that farm, it is in fact causing problems with an adjoining stream, particularly where

cattle may be close by and getting water to drink and things like that?

Mr. Crone: When we visit a farm, for whatever reason, it usually involves manure. One of the first items that we look for is how is the manure stored, how is it handled, et cetera, and whether there is a satisfactory amount of storage to avoid overflows and so forth. If there is not, over and over again we have made recommendations to enlarge the storage facilities so that there would be a reasonable storage time or make sure that he does not allow it to overrun.

There are instances, I suppose--and I do not know how you would get around it; I do not think farmers for reasons of pure economics would overfertilize to a great extent or overuse chemicals because they are very expensive. However--and this goes back to Andy's concern about erosion--situations happen where you have spread manure for a day and along comes a great big cloudburst. It is unavoidable, it is something unfortunate that happens that is not planned for, and it happens to good operators. I think in cases like that, if they normally use good practice--

Mr. Chairman: Is this referred to in the code of practice at all, the application of chemicals and fertilizers and things like that?

Mr. Crone: Chemicals and fertilizers, I don't think there is any reference to it in the present code; that was one of the considerations for a revision of the code. How important it is, I'm not sure. I think there are very few people who are overusing it for pure economic reasons. However, there have been situations where manure is applied and you do get a big rain.

There are new methods of disposing of manure. Irrigation is something that more and more people are becoming interested in, and it must be used carefully because there have been a few bad experiences with it. The problems surface really after one bad experience.

Mr. Eichmanis: Excuse me, when you were just mentioning manure, are you referring to the chemical or the natural?

Mr. Crone: Manure is being applied by some people by irrigation, and this is natural, livestock manure in liquid form.

Mr. Waud: The code of practice does deal with a recommendation regarding the area that is required for the number of animals you have and for the disposal of their waste. I don't think it deals at all with chemical fertilizers.

Mr. Edihoffer: Mr. Chairman, if I could just go along with that disposal of animal waste and the amount you can spread per animal per acre sort of thing, because I have looked over the code of practice and I think--what do they take, one beef cow and calf as one animal unit? Then you can have, say, up to 400 cattle on 200 acres, depending on the type of soil.

We have talked a lot about complaints for air pollution, but

we haven't talked that much about water pollution until just now. I know there are many instances, of course, where agricultural operations become very efficient; they start off with a few hundred head of beef cattle and end up with 500 to 1,000 on 200 acres.

Mr. Hodgson: Or less.

Mr. Edighoffer: Or less, yes. Have you ever been called into any situations where there has been a bad case of water pollution and suggested to the farmer that he has too many cattle for the amount of land that he has?

Mr. Crone: Yes, we have. As a matter of fact, in 1980 in the spring it was a serious problem for the London area, and the London division was considering laying charges but there were seven, I believe, serious cases that had been identified where manure had got away. I believe in each case there was a fish kill, and that sparked the investigation.

The wishes of the ministry were that, before they proceeded with prosecutions on any of those seven farms, the farm pollution advisory committee have a look at them and comment on them. We did look at all seven of those and gave reasons, explanations as to what happened, why it happened and what should be done so that it wouldn't happen again in the future.

Those reports went back to the farmers, and I would guess the ministry felt that co-operation by these people would likely be of more value as far as the environment went than to prosecute and possibly get a prosecution and whatever fine that might be levied. Whether it is right or wrong that prosecutions were not proceeded with, I really don't want to comment on.

12:20 p.m.

However, two of those operations that we looked at this year apparently must not have taken our recommendations too seriously. They were charged this year and in both cases they were fined. So I would assume that would be a pretty good deterrent for those two. Now the other five apparently have taken heed and it has not been a problem.

For both of those, or the one in particular, we determined there was inadequate storage and we recommended increased storage capacity. Since we were there, the other I believe increased the size of his operation. He did not have adequate land, and one of our recommendations was that he make arrangements for his manure to be used off the property. This year it was found that he did contaminate the stream again and he was charged and a fine was levied. I am not sure how many dollars, but anyway he was found guilty.

I would assume that would be a deterrent. I do not think the number of dollars of the fine broke him. He would be carrying on, and he would likely learn that the ministry did mean business.

Mr. Chairman: Do you feel that the order in council

which appointed you back in 1973 is broad enough to advise the Ministry of the Environment on animal waste disposal methods in specific instances as to whether they are in accordance with normal farming practices?

Do you think that inhibits you in any way in terms of looking beyond just the disposal of animal waste? I realize that would be the main cause of a neighbour's complaint but, in view of the code of practice and in view of our concern about pollution generally, I was just wondering. It does not have to be worded that way. It can be worded in a different way.

Mr. Crone: I have not looked at the wording of the order in council since 1973. We have gone about and used what we felt was common sense and good judgement, because certainly deadstock disposal is not mentioned there and I know we have made recommendations regarding deadstock disposal when we have found this not being disposed of properly.

Mr. Chairman: None of your recommendations have been challenged on the basis that they are beyond your term of reference, or beyond the order-in-council.

I want to thank you very much, both of you, Mr. Crone and Mr. Waud, for your information and attendance here this morning. We will be compiling a report, and no doubt you will have a copy of it based on our discussions today. Thank you very much.

Gentlemen, I notice that our agenda for this afternoon would be a continuation of our discussion this morning, and as we have completed the attendance of Mr. Crone and Mr. Waud as witnesses, what is your pleasure?

Mr. Mancini: To meet again tomorrow morning as planned.

Mr. Chairman: The committee is adjourned until 10 a.m. tomorrow, when we will hear from the Ontario Hog Development Committee.

The committee adjourned at 12:26 p.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

AGENCY REVIEW

WEDNESDAY, SEPTEMBER 23, 1981

Morning sitting



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breagh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Piché, R. L. (Cochrane North PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Watson, A. N. (Chatham-Kent PC)

Clerk pro tem: Arnott, D.

Research Officer: Eichmanis, J.

From the Ministry of Culture and Recreation:
Secord, R. E., Assistant Deputy Minister, Field Services, Sports
and Recreation Division

Witnesses:

From the Hockey Ontario Development Committee:
Davidson, L., Chairman
Robb, D., Executive Director

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, September 23, 1981

The committee met at 10:16 a.m. in room No. 228.

AGENCY REVIEW
(continued)

The Vice-Chairman: Gentlemen, I see a quorum. This morning we are dealing with the Hockey Ontario Development Committee, and we have from the committee Mr. Lloyd Davidson, the chairman, and Mr. Don Robb, the executive director.

Gentlemen, I understand you wish to make a presentation to us about your activities, so it is all yours.

Mr. Davidson: We have a short film which was made for showing on the Wednesday night Hockey Night in Canada last year, and it sort of tells you a little bit where we are coming from. We thought if we started with that it might lead into some of the things you may want to talk about.

Mr. Epp: Have you got permission to show it?

Mr. Robb: Yes, we have. We own the rights.

Just on that note, this is one of the six films that Hockey Night in Canada co-sponsored along with ourselves. If you are a hockey fan and watched the telecasts last year, this is one that was shown, and we have some others planned for this hockey season.

The committee viewed an audio-visual presentation from 10:17 a.m. until 10:23 a.m.

On resumption:

Mr. Davidson: That really just about tells it all.

The Vice-Chairman: Before you proceed, I should point out there are a number of representatives from the Ministry of Culture and Recreation here this morning, as well. I guess they will introduce themselves as we get to them. At the conclusion of the presentation there can be questions of the ministry as well as to the development committee.

Mr. Davidson, do you have anything further you would like to tell the committee?

Mr. Davidson: You are probably pretty interested in how much money we are getting from the government and how we are spending it. There has been a basic grant ever since 1972 to operate a technical program in the province and, as a result of an exercise of the Ontario Hockey Council, which was the forerunner of HODC, where we went around and surveyed the parents of all the registered hockey players in the province and came up with a

report entitled: Minor Hockey in Ontario, Mr. Baetz came up with a further chunk of money for the next three years. About half of that period has now gone by.

Many of the programs we are running now could not be done nearly as extensively, in fact, some would be almost impossible to run, if we didn't have that extra money. We know we have a limit on the amount of money that is coming from the government, and we are right now going through an exercise of trying to find some more public sector funds and so on, so that at the end of the three years we won't have to make a drastic cutback in the services we are providing.

The Vice-Chairman: Thank you. Mr. Robb, do you have anything to add?

Mr. Robb: Specifically, I think there are other programs we could get into, but we have tried to document to the committee a lot of the publications, and a summary of that report is contained in our year-end report, which I believe members of the committee have copies of in their packages. We would be very willing to get into specifics later on, but I think as an overall introduction that should suffice.

The Vice-Chairman: Do you wish to give us any specifics, or would you rather the committee just asked you questions about any aspect of your operation?

Mr. Robb: I think that would be the best way to handle it.

The Vice-Chairman: Does anyone from the Ministry of Culture and Recreation want to add something?

Mr. Secord: I don't think so, Mr. Chairman, no.

It might be pointed out, and Mr. Davidson or Mr. Robb may wish to expand on it, that one of the important functions that was given to the hockey council in the development of its report which resulted in this reorganization was the need for a parent education program about the primacy of the interests and the needs of the young people, and I think that has been working very well. Other than that, I am sure the two gentlemen representing the Hockey Ontario Development Committee can quite properly answer any of the questions that might be asked from the committee.

The Vice-Chairman: Mr. Secord, would you give us your name just so it will be recorded in Hansard, your name and your title.

Mr. Secord: My name is Bob Secord, and I am the assistant deputy minister responsible for sports and recreation with the Ministry of Culture and Recreation. Mr. Halstead is the director of the sports and fitness branch, Mr. Thorsen is the head of sports consultants, and also here is Mr. Waldo Henderson, who has done a great deal of work in the initial stages with the Hockey Ontario Development Committee. They are representatives from the ministry.

Mr. McLean: I have a question for Mr. Davidson. I was wondering whether there is a danger that minor hockey could become overly bureaucratic and professionalized, making volunteer work less attractive?

Mr. Davidson: I guess you would have to know the hockey bodies to be able to answer that question, and I know them very well because one of my functions is still that of a voting past president of Ontario minor hockey. As long as those people have the attitude that hockey should be run by volunteers, it is not going to be taken over by paid employees, no question. We don't think that is a viable thing that could happen at all. Obviously nobody could afford to pay for all the volunteer hours that go into it; there is no possible way we could do that.

Mr. McLean: What will happen in 1983 when your provincial funding, the program that has been established, runs out?

Mr. Davidson: As I said, we hired consultants who have just come out with a report, a long-range plan for us to be able to market ourselves and find some public sector funds, some corporate sponsors and so on, to help carry these things on. We are also looking at improving the user fee situation in all the various programs we are putting on and, although we just got the report, we are already beginning to feel some of the effects of that.

Mr. Robb: Could I respond to that?

The first question on the volunteers: We as a group have recognized--I am talking about Hockey Ontario and all the different members--that the volunteers are really, as it were, the nuts and bolts of the operation. But the important aspect is that the volunteers have told us very adamantly that they need some training and some leadership skills. That is why one of the important projects of our administrators' committee is to provide some of this leadership and skills for the volunteers, show them how to run a meeting in local hockey--if they live in Chatham or wherever they may live--how to deal with raising funds locally; how to deal with running a tournament; how to administer a budget, that type of thing. So there are some skills required by a volunteer that he does not necessarily have, and although he has the energy, I think we have to use the full-time people to train and develop these leaders.

In response to your question regarding 1983-84, I think there are a couple of things. We have this document which you received, which cost in the neighbourhood of \$18,000. This is a consultant's report on our total operation, which the executive of the committee has asked to be done and presented on October 31 for some direction, and it does a complete business assessment on our operation. So it does try to answer some of the questions.

We realize that the money through Mr. Secord's department is not there for any great length of time. But the government certainly has a responsibility in this province to provide some funding, although it may not be to the same extent.

I go back to Mr. Baetz' comments in his press release of Thursday, February 28, right here at Queen's Park, that he expects, when the money is being given, we will also look for some corporate sponsorship. And this document, if we follow it, is going to assist in that direction, to provide not only some self-sufficiency, but also to become less reliant on the total amount of government spending.

I think those two areas should be brought out to the committee.

Mr. Mclean: That brings me to another question then.

The funds that you have been raising over the years are not going to be as great as they have been in the past. What are you doing to enhance that, to get more funds in from the people who are participating in your coaches' clinics and that type of thing?

Mr. Robb: You mean specifically?

Mr. McLean: Yes.

Mr. Robb: I think, as I have pointed out, that in the business analysis of our operation, we have to make some tough recommendations in that part.

Number one, we have to adopt the philosophy of user pay. I think if you decide to opt in to hockey, and go through the program, as an individual, you should be prepared to pay for that knowledge and information. That is one approach that we have not taken in the past because I think that, over the last ten years, through the government, we have been establishing our technical programs and, as you know, when you are developing technical programs, you have to spend money.

But now they are developed and are in pretty good shape, and we feel that first of all, that philosophy has to be taken on by all the committees, whether it is coaching, refereeing, hockey training, whether it is somebody going to a goal-tending clinic, you name it.

So that is one approach. The other is the corporate sector. I think that hockey, sport in general, has been a little negligent in terms of the marriage with certain corporate people; we have been willing to take their money but never really provided too much benefit and value for the corporate dollar. So we are working on that, and we hope to have a game plan established by this fall, to knock on a few doors, and to try to generate some funds.

Mr. Breaugh: There are a few things I should like to pick up on. One is that user fee matter which you have just discussed.

10:30 a.m.

One of the ironies of amateur sport is that in the attempt to stay clean, and not have any money change hands on a regular basis, you have this problem of how do you fund the participant in

the course of the activity. In minor hockey in particular there is this trend towards having the individual pay, which sounds on the surface like a good idea, but it has a few little problems in it. One is it is now getting extremely expensive for a kid to play minor hockey.

When I was a kid I don't think it really cost us that much money. Every once in a while we had to buy our own equipment and things like that nature. But the nature of the beast is changing. Now, if you go to most of the rinks in my area--most rinks anywhere, I guess--a kid wants the best equipment and apparently is getting it. They want a hockey school and apparently are getting that too.

The nut of it really is that if a kid wants to play hockey, the parent had better be prepared to fork over, I am told, somewhere around \$1,500 to \$2,000 a year to have that child participate in an amateur sport.

Now if a kid wants to play another sport, my own child is a good example. She was into swimming for a while and that got pretty expensive, up around \$1,000 a year or more. If she had chosen to go into figure skating it would have been a good deal more than that. If my boy wanted to play hockey it would be about \$1,500. If they went into other sports like softball, or track and field, it would be substantially different.

At some point, the unfairness really is that if I am the parent, and I have the \$2,000 a year to let my kid play hockey, that is great stuff. But what if I don't have the \$2,000 a year? What happens there? How does my kid then go out and compete for a place on a team against someone who does have that kind of money to throw around?

What are your solutions to that kind of a problem?

Mr. Davidson: My experience has been that I do not know of any boy who was ever kept out of hockey because of lack of finances, except the problem of parental pride. If the parent can resolve that problem, I do not know of any minor hockey association in the province that would not find a way to finance the boy who cannot afford it.

Mr. Breaugh: I do know of some and that is a continuing problem and one that is getting worse in that the nature of the sport takes on more sophistication. It seems that there is more and more expense.

I don't believe my parents ever paid much more than the cost of a pair of skates for me to play hockey. But I do know that if my son wanted to go out and play hockey in one of the many minor hockey programs that operate in my area, I had better be prepared to fork over, realistically, that kind of money. I am in a position where I could probably do that. There are lots of people in my community who couldn't.

Mr. Robb: First of all, in respect to yourself, I would

certainly challenge the \$2,000. Let us talk about grass roots right now.

I live in a small community, 20 miles north of town. I am chairman of the arena board. So one of our responsibilities is to run the arena, look after the finances and make sure on behalf of the taxpayers in the town that we break even. I also sit on the executive of the local minor hockey and put on the other hat now and try and keep the costs down and offer a program there where kids can compete today. It does not cost a parent \$2,000 to enrol a kid in hockey today.

I think one of the problems today in hockey that we have to look at is the additional things that a parent wants to do. I will agree that some parents want the finest equipment available, they want to emulate the pros and you cannot have just the regular hockey stick, you have to have the one with the pro's name on it and pay the top price; there is skates, go through the whole package.

Is that hockey's problem or is that maybe the parents' problem? I don't know; we can get into that later on.

You have different streams. You have your competitive stream, where kids want to get involved in hockey--not as a recreation but maybe be fairly serious and travel around, but that is a decision the parent makes along with the individual, I think. There is a house league program which they can adopt, or they can go into the more competitive stream. So I think those are concerns.

In terms of finance and subsidies. Hockey does get out of subsidies in the local community, but our philosophy in our town is that if I want my son or daughter to play hockey as a parent I should be able to pay that price, just as you did in swimming, in figure skating or whatever.

The municipalities right now are funding or subsidizing part of the ice cost per hour. Our complaint in our area is that why should taxpayers who don't have any kids in hockey pay for those kids that play hockey? I don't agree that they should.

It is an expensive operation to keep arenas going today. But we have to, as arena board people, be faced with, "Well, we have to charge a certain number of dollars hour for ice to keep our business going," and minor hockey figures they have to do the same type of thing. So it really is a dilemma we are in, but I don't think in the development aspect we necessarily have all the answers in that area.

Mr. Epp: Can I just pick up on that? You said you don't think people who don't have kids playing in the arenas should subsidize the arenas to help pay for that hockey. Is that what you are saying?

Mr. Robb: That's the philosophy we have in our area.

Mr. Epp: What about libraries? Who pays for the libraries?

Mr. Robb: I think in terms of taxpayers if you have kids or a taxpayer--and I am not going to speak on behalf of the politicians, but senior citizens do enjoy the benefit of a library, whereas senior citizens don't necessarily enjoy the benefits of a hockey program.

Mr. Epp: I have children and they use the arenas, the baseball parks and the football fields. They use the school gymnasium for gymnastics on the weekend and so forth, but they seldom use the library downtown.

What about the people who don't have cars and end up paying for the streets or the transportation system? What about the garbage collection? People have separate garbage collection in apartments and they have to pay separately to have that garbage taken away from the apartments because there is a separate unit that takes it away and yet they have to pay for the general garbage collection in the municipality.

Mr. Robb: So you are saying you don't agree with this user-pay approach?

Mr. Epp: I agree the children should pay something towards it, but they shouldn't necessarily have to pay the equivalent amount to what it costs to run that arena, that park or that gymnasium in the school. People pay education taxes and don't have kids in schools. Industries pay taxes, et cetera.

That may be your philosophy and you can stand by it, but I am just wondering whether you have to apply it to everything and if you apply it to everything, then you have a real difficulty in running anything.

Mr. Breagh: The other major problem is when we in my community were running rinks, we moved towards this kind of user-pay philosophy. It's attractive on the surface, because it sounds reasonably fair to say those who use a facility, whatever it might be, should pay for its operation, but you very quickly run into its limitations.

We ran nine ice pads. The only one which came close to breaking even was a double-rink operation that ran 22 hours a day. What made it break even was the fact that it's a shift-work kind of community and you have a market at 2 a.m. for industrial leagues who will pay whatever you want to charge.

Not all communities are set up like that and we lost our shirt, for example, on the civic auditorium in Oshawa which struggles to break even because it is the big, old concept of an arena. We have a couple of other double-rink operations now which are beginning to break even, but it's very difficult to apply that in hockey and when you move that same concept to something else, you find the discrepancies.

It costs you less money to run a soccer pitch than it does to run an arena. If you said, "We are going to charge, on a user-pay philosophy, \$30 an hour, no matter what the facility," you soon get soccer people coming and saying: "What are you

charging us \$30 an hour for? We get nothing except you cut the grass and line the field once a week." So you have limitations to that.

The real problem though that I would see for minor hockey is--I used to be very active as a coach and quit. I couldn't stand the parents quite frankly. I went back at it four or five years ago and found it had changed substantially. Parents were still there, maybe worse than ever--certainly worse than I had remembered them. But I found kids who were eight and nine years old really segregated by that age into those whose parents had decided they had Bobby Orr in the family and this kid was the myth. The kid is in there with Tacks on, skates that cost \$125, the finest of equipment, had already been to a hockey school, was lining up next year's hockey school, and other little guys in there had hand-me-down skates.

As you say, there is kind of a streaming process goes on here. The hot prospects are off into a very high pressure system at a very early age and the other kids are off into a house league operation. In my community we use a park association setup which does provide for kids who just want to play hockey, and we have church leagues that do that. We also have a very high pressure and a very good minor hockey association.

Are you happy with that notion that that kind of sorting takes place so early?

Mr. Davidson: I guess I would have to say I am not particularly unhappy about that happening because if a little kid who has no skills is put in with the kids who have skills, then he is never going to touch the puck and he won't enjoy it at all. I think it is very important to make sure you separate them.

10:40 a.m.

I realize nobody should decide he is going to be a left-winger when he is seven years old and never play any other position, but we have got some programs going to make sure that won't happen and they will try more than one position while they are young.

The idea of cream rising to the top, I think there is nothing wrong with that because the good kid can spoil it for the lesser skilled kid.

Mr. Robb: One other comment to that: The Canadian Amateur Hockey Association, which is the governing body in Canada as you know, recognizes some of the problems that you point out. In their five-year plan they are trying to address that same approach.

For example, maybe they are suggesting age 12, age 11 and under should be involved in just a development of skills program in all our hockey. Now we start off right when the boy starts to play, novice and atom, in the OMHA area or whatever, but then they can either play for the city or the rep or they can just play house league.

Well, they are saying maybe we should rethink that and look at just learning skills up to age 12 and learn to play the game, then make a choice to go the competitive route or just continue on your recreational route at that age, similar to what some of the European countries are doing. So that whole process if being looked at now and they are trying to identify some of the problems you pointed out.

Mr. Breaugh: Personally I would be a proponent of the idea that you let all children participate and go through some kind of developmental program. I am not unhappy with the idea that at a later stage you make some streaming arrangement so that you get into recreational hockey versus competitive hockey or whatever, but it is my concern that that is happening very early. I see a great deal of unfairness in it.

I am still not very pleased with the notion that it costs so much money. For example, most of my constituents, the average one would be an auto worker who makes an average industrial wage. If he happens to have four or five sons there is tremendous peer pressure there to have all of his kids play competitively. It is not an incidental expense any more. It is a lot of money.

Guys are saying: "I can't afford to have three kids play competitive hockey. All three are good enough but it is breaking me. I can't afford it. How do I pick which kids gets to play and which kid doesn't? Who gets to go to the hockey school?"

I think that is a sticky area that needs a lot of work on it.

The other thing which bothers me is in one sense I am quite pleased to see kids travelling as much as they do, but the current fad in our area, and I think it is pretty well widespread across the province, is that minor hockey teams, even at a fairly early age, are seeing the world. We used to think it was a big deal to get to Stirling or once a year you would get to Peterborough or something like that. I have got kids who have been to Texas, to Newfoundland, through Europe, and they are not 12 years old yet.

Is that a problem with minor hockey, this trend, in my area anyway, towards a lot of international competition? They are certainly having trouble funding it.

Mr. Davidson: In all these cases that you are pointing out, they are parent choices. If you are going to take a team to Sweden--and by the way they don't go when they are 12; the OMHA rules won't allow a team to go below the age of bantam--that becomes the choice of the parents, because somebody has to go out and raise an extra \$25,000.

Frankly, I have enjoyed some of those trips to Europe with hockey teams, but I have never really been a proponent of it. I have a philosophy that if there is so much minor hockey money in a community and if you take \$25,000 out of it for 20 kids, then somewhere, somehow in that community the whole program is short \$25,000.

Mr. Breaugh: The funding mechanism is precisely the

problem, because the teams that I am aware of that have done that have essentially had to raise most of the cash themselves. Sometimes there would be an invitation with some money involved and once in a while a little corporate assistance, but by and large they are flogging the community for the cost of sending that team wherever it is going.

Mr. Davidson: Exactly right.

Mr. Breaugh: I am not opposed to that kind of competition, but if the funding mechanism is strictly a local one, it puts a burden on it, it strikes me that perhaps is an area where, in looking for corporate funding, if you happen to find corporate entities who wanted to pay for that kind of stuff, as long as it was not hurting your local programs or if you came across some governments who wanted to really get into international competition at that level, you have your cake and you can eat it too. But as long as you continue to have to go out, scratch, knock on doors, sell chocolate bars and do the car washes, it puts some serious limits on a local hockey program.

Mr. Robb: Just a comment to that is hockey is no different from other sports either. I know in the school situation--I am sure we all have kids who want to go on certain trips in different areas and it puts an added pressure on parents today to fund these field trips, so to speak. The field trips are pretty elaborate. There is certainly a competition because this team went to the US last year, "We have to do bigger and better next year." It is almost the mentality where they are going to Europe.

I could not agree more with you, but again it's sometimes difficult to turn that attitude and that philosophy around overnight. Maybe you can show parents how they can run tournaments within their own area. We have so many teams travelling through now from the US and Europe where we can have a tournament now and have that international exchange or even national exchange locally. That is the type of thing some of our committees are looking at too. I do not know how successful we would be to get corporate people to sponsor that type of thing, but they are anyway. They do raise funds.

Mr. Breaugh: Do you have any plans in the foreseeable future to attempt to put a little organization into that so that at some level, for example, the OMHA might decide: "We will send a team through some kind of a European tour in 1984 and we will work up to it through some formal competition. We will finance that centrally. We will compete locally and then they will go that way."

It strikes now there is a lot of invitational tournaments. If you happen to have met somebody from the Swedish hockey federation or whatever, you will get an invitation and then you dig up the money and away you go. Is there any contemplation of that kind of program?

Mr. Davidson: Not at the OMHA executive level that I know of. We have a waiting list of communities standing in line to accept these invitations that come from Sweden. The skies are full

of teams flying back and forth to Sweden. I can remember a couple of years there were 32 Swedish hockey teams in North America. That country is not all that wealthy. I do not know how they possibly afford it, but we do not have any shortage of people wanting to go and being prepared to take \$25,000 out of their own community.

Mr. Davidson: Really that's beyond our mandate. Our concern is development and the administrative responsibilities still lie with the old original formal hockey organization.

Mr. Breaugh: Your first priority then is to try to get in place some kind of hockey skills development program.

Mr. Davidson: Yes.

Mr. Breaugh: Out of that may come other considerations like this through the existing agencies.

Mr. Davidson: I missed the last part of your question, sir.

Mr. Breaugh: If you are successful in establishing virtually a skills development program for coaches, referees, players and all of that, out of that might come some kind of joining together of other existing organizations like the OMHA to do a sorting process of who might compete internationally in that kind of thing.

Mr. Davidson: I suppose in the long term that is sort of what is in the back of the minds of the Canadian Amateur Hockey Association. For instance, we ran a skill program for midget hockey players this year, a leadership camp down in Kingston. The week following that, the CAHA had a camp where the best of that group plus the best from other provinces were to continue for another week.

Their ultimate aim was to have a national midget team which would ultimately grow up to become the national junior team four years hence come Olympics time, but they have not quite come that far and stated that purpose. That is obviously sort of along the lines of the things you are talking about.

10:50 a.m.

Mr. Breaugh: We hosted, I think in its first year, the Wrigley Tournament for midgets. We had a few little difficulties here and there but, by and large, most people felt that that was a successful kind of operation. The problems basically centered on how do you get to the tournament, how do you select the team which goes there and then what do you do with them? Are you involved in that kind of an ongoing program or are you saying that is outside your jurisdiction?

Mr. Davidson: That is not within our jurisdiction at all. That is done by the administrative side of hockey which is the OMHA, the OHA, Ottawa district, and so on. They have a corporate sponsor who picks up that total shot.

Mr. Breaugh: What about that side of it, because that is the other part I wanted to get into a little this morning? For example, in your group, the largest single hockey group in the province does not belong to you. Does that pose a major stumbling block to you that the Metro hockey league is not in there?

Mr. Davidson: I guess we should correct one thing. When you talk about being the largest group, everybody has their own slogans and the Metropolitan Toronto Hockey League call themselves the largest hockey league in the world. Last year they had 287 teams and the OMHA had 2,100. We would be delighted to have the Metropolitan Toronto Hockey League as a member of this organization.

By using some of our people, those programs that we have available are made available to them through the OHA, but we are disappointed they are not here. We do not have any input from them. As a result, while they are sitting on the outside, we hear rumblings about criticism, but any time they want to decide to become a part, as in the very beginning, we would certainly welcome them. At the moment it is not causing a problem in the delivery of assistance programs.

Mr. Breaugh: Without getting into all the political ramifications of the various hockey associations that are around, it strikes me that is a fundamental problem. There has never really been put in place--what I guess I would really look for--some kind of an incentive system to get all of these different groups together because, as I understand it from listening to most of the participants from different sides here, there is really not a heck of a lot in it for them to join one central organization.

Aside from all of the arguments about who runs the coaching school in the right way and who is the better organizer and all of that, there has never been much of an incentive put out there to kind of unify the system. So you do get a number of organizations out there running minor hockey and sometimes running in different directions.

Are you trying to work out some mechanism which would eventually put in place one hockey body in Ontario and only one across the country? Is that a concern of yours or are you just kind of setting that one aside for a while?

Mr. Davidson: Here again that is a matter which the administrative side of hockey hangs on to very jealously and it is not within Hockey Ontario Development Committee's guidelines, but I would not have any problem with that. I think there are ways it could happen, even though everybody has a great deal of pride in their own organization.

Some fellow who is now third vice-president of an organization is looking forward to the day when he becomes president of a hockey organization. That has glamour for him. I think those problems are resolvable down the line but, as I say, they are not connected with development. They are the political side of hockey, really, if you want to call it that.

Mr. Breaugh: I recall some of the most lively discussions we had in council in those days were centered around who would get how much ice time between the different leagues and we filled the council chamber with all the different hockey jackets that were there and everyone had a strong opinion which they were not shy about voicing.

We resolved that by setting up an ice council which sorted out in some way, I think, a lot of the problems that were there, but it occurred to us afterwards, after all this had happened, that it was a simple fact that nobody had ever really tried to put it all together which was the basic problem. They had all developed their own leagues in their own way and they had their own ideas. They really had nothing to do with one another.

When you did sit them down they were able to sort out their problems with a little arbitration involved, but it was mostly the factor that everybody had allowed them to develop all totally on their own, going off in different directions with different philosophies about what they should do and how they would try to implement that.

It was simply the mechanism of saying: "We have a problem here we are going to have to solve. We cannot build arenas forever." We had nine ice surfaces and we were looking at other sports activities which had virtually no facilities in the city and that problem got itself corrected.

It strikes me that one of the things you might do would be to look at the administrative side at some point and make some recommendations to the government which would attempt to resolve some of those difficulties.

Mr. Robb: I guess if I could react to that from the inside and from working as a full-time employee of the OHA for four years in training referees for the province and seeing the Ontario council operate on their own and the OHA technical department operating on their own, when I see what is happening now in development I must say we have gone a long way.

I look back through the Minister of Culture and Recreation (Mr. Baetz), specifically, and his department is recognizing the problem in hockey, that we do not have a central voice in the province. To echo some of your comments, I think that the communities, if they found we had some help out there and we could start to--your problems are not unique, I think you probably live in Oshawa, it sounds like your council and so on. Actually your problems are no different than they are in Kitchener or around this whole province. I think we could sit down and develop some common solutions to these problems.

Hockey Ontario does have all the communities in the province represented through their members. You mention Metro Toronto is specifically not sitting at the table, but you are well enough aware of the hockey structure to know that Metro Toronto is part of the OHA and the OHA is a very vital member.

As far as we are concerned, Metro Toronto does not have a

direct input, but they are not denied any of the services. To me, that is important to the players and the parents and the local associations in the province, although we would like to have their experience on the different committees.

I think you have hit the nail on the head when you talk about the administration in the local communities. Our administrators' committee is chaired by a man who has representatives from the different associations sit on that committee and one of their goals right now--and we purchased the manual from the gentleman--is to produce an administrative manual for every community in this province. It shows people how to do some of the things you are talking about, how to schedule ice time, all those things a volunteer has to do. That is a start, I think.

The other start is we have this organization for development now as one common voice in the province. Maybe it is time, and we have talked about it just as recently as Saturday, that it would be nice, not only from our standpoint, to be able to get together and talk about competition and tournaments and that type of thing as one voice, have a special council and have one voice on that.

I know the Canadian Amateur Hockey Association would like to deal with one group in Ontario. We are the only province in Canada that does not have one voice. We have three separate branches. They would love to have one branch in Ontario and they have struck a committee to try to look at that now, so we are going to be giving some input to that committee.

The provincial government here deals with only one provincial organization. They do not deal with splinter groups and they would love to see one voice. They see that one voice in hockey in terms of development as Hockey Ontario.

I agree totally with you. I think we have to work towards that end but, as you know, knowing the hockey people out there, it takes time to get to that point.

Mr. Breaugh: They are a rough crowd to deal with sometimes. Let me just move to one final area of concern which I have. I am not at all concerned that there is not enough activity in the rinks that I attend. They are busy every weekend, they are busy every day, they go from six in the morning to four in the morning, so there is lots of activity. There are also lots of development programs being run out there, sometimes in conflict with one another.

Let us go back to the initial reason. Bill McMurtry and a number of other people were a little concerned in the early 1970s that you went through a rink and you saw people tattooing one another with hockey sticks. I guess the culmination of all of this is either professional hockey or, more likely in more of our communities, junior hockey. In the junior games which I saw last year it seemed to me that not a heck of a lot had changed in the last five or seven years, that there was still not a lot of emphasis on skill development.

Maybe part of the problem is that, for example, Junior A hockey is--I do not know how you would classify it. It is technically amateur hockey but it is the intent, the style, the format and, in some sense, the financial transaction is kind of still quasi pro hockey. The object of that is to fill the rinks and the way to do that is to provide excitement.

If you cannot win it, then there is only one other way to provide that kind of excitement and that is you go to a kind of ancillary entertainment, as they say. That is that every 10 minutes you break it up and have a good fight and everybody gets excited, and then you throw one kid out, and then it is somebody else's turn.

11 a.m.

It strikes me that at that fundamental point--kind of the reason for it all--which was to try to clean up the game a little bit, to try to get back towards a more skilful type of hockey, that there has not really been a big change, a noticeable change, in the type of hockey that is offered at that level.

What I am saying really is that I see kids going through our minor hockey system playing the game at the end of the system when they are 16, 17 or 18 years of age, not much differently than they did five or 10 years ago.

Mr. Davidson: I guess I do not totally agree with that. I am not a big booster of professional hockey but I have a gut feeling, and I cannot document it with statistics, there is a better attitude in the pros today than there used to be.

The Schultzes cannot get jobs any more. The Dionnes, who are little wee guys, are good enough to be able to become stars. The whole attitude in the pros has changed. When you hear these pros interviewed on television now they talk about skills. The word skill never used to be mentioned in an interview with a hockey player, but today they are talked about.

Let us face it, one of the biggest nuts we have to crack is the fact--and this is a thing I have been saying for years--we can work six days a week and everything we do can go down the tube on Saturday night if they happen to sit down and watch the Saturday night hockey game.

But things are better, and the reason for that, I think part of it, is the fact that general managers in the National Hockey League have to win. They won the Stanley Cup four years in a row in Montreal without Schultzes. You know, they can play tough if they have to, but they play generally a skating, skilful hockey game.

The general managers are smart enough to read that, so then they began to change their styles. If you take a look at some of the coaches in the NHL, they are not just the ex-pro hockey player, a lot of them are university graduates: Tom Watt, Roger Nielsen, Bob Berry. The whole attitude in the pros is changing and

that cannot help but help us to do the things that we are trying to do.

We know there are still some problems, but every community in the province now has some kind of skill program going. Somebody in Chatham just wrote a book on how to skate. Now there has to be 75 books on how to skate, but Chatham minor took on as a project to write another of them.

So people in the little communities are now thinking along those lines and eventually, with this community profile project we have on our plate, we are going to be able to document those things.

One of the things we have to tell Mr. Baetz pretty soon is what has happened with the recommendations in the minor hockey report in Ontario. Many of the recommendations in there were motherhood. Many were things that could only be implemented at the local level and as a result were hard for us to get a handle on, but with the community profile we think we are going to be able to document that in the not too distant future.

I say, flat out, things are better than they used to be. The Canada Cup was an example.

Mr. Breaugh: Setting aside the pros--I have kind of given up hope on them--the problem I see--I guess maybe it is the hockey team, or the organization, or whatever. I watched the Oshawa Generals play a few times last year and skill was there, but it also had in it a heavy--

Now maybe it is just a team in an organization, but I watched other teams come in and I really have to say that at that level of junior hockey, who are the graduates from our minor hockey programs, it struck me that there was still a lot of stick work going on; there were some skilful players there and they all seemed to have on their side three or four protectors, but it was pretty rowdy hockey.

I watched some lacrosse this summer and hockey is not bad compared to some of the lacrosse games I have seen lately. But it seemed to me still that there was that heavy element of violence there, and it certainly was packing people into the rinks, but it you would be hard pressed to say that was the culmination of a skill development program. It was still pretty rocky stuff.

It seemed to me that the league itself was having its difficulties sorting out just exactly what you do with this. Do you throw these kids out? I notice some of the leagues are experimenting with that. Anybody who does fight gets thrown out. But have we really made any inroads on that, aside from kind of on a public relations point of view that we now are paying more attention to skill?

Have we really changed the game? It strikes me that we have not really substantially altered the way the kids play hockey, which was the purpose of the exercise.

The Vice-Chairman: I went to a fight one night and a hockey game broke out.

Mr. Breaugh: I did not catch the hockey game, maybe it was there.

Mr. Robb: I think you folks have a league--if you lived in Oshawa you have gone through some wild characters behind the bench. We know that this is a game where you have to have good leaders. That is why our coaching program is so important in terms of the leadership there--we have to make it mandatory that the experience that that boy or girl has with that coach is a positive one, because of the influence they have on behaviour and attitudes, et cetera.

When you think about it, the average coach in hockey today, during the hockey season, probably spends as much time with the kids as the parents do, if we would look at it.

Mr. Breaugh: Probably more.

Mr. Robb: Probably more, sure. In minor hockey we have gone a long way to improve that area, but in the junior game we are struggling.

Our dilemma is that--and we have made some inroads--any time you look at the people who hire the coaches and you have no influence, well they are going to hire the people who they think are--they are in business, let us be honest. They are in business and they want to fill the rinks. Their philosophy has been, "Let's look for an ex-pro hockey player, or somebody who is well known that we can sell; that people can identify with."

Sometimes when a person comes on who is a good educator, or a good leader, a student of the game, maybe he is not high profile enough, so as development people it is difficult to sell that individual. It is really difficult for that one individual to try and deal with that mentality that he is up against at meetings, or whatever.

In the past, some of the people who have had jobs in junior hockey and have had some good success have started out as instructors and still are instructors in our program. I use a Peterborough situation as a good example, with Roger Neilsen originally, and now Dave Dryden is there. These are type of people who have teaching backgrounds, who believe in what they are doing, and have a good rapport with the kids, and do not subscribe to this brawling.

Unfortunately, last year if you recall, Peterborough was involved in that brawl in Oshawa. That sort of shot that one down.

Mr. Breaugh: You see that is the problem that I have. The thing is--

Mr. Hodgson: Of all the hockey games played, one brawl does not taint the whole thing.

Mr. Breaugh: To use my community as an example--and I think in minor hockey you will not find a community where there is more activity than you would in Oshawa--I know that there are literally hundreds of volunteers, maybe thousands, working every day of the week to change the nature of the sport; to see the kids get skills; that they get a chance to exercise those skills; get a chance to compete. Really, the culmination of all of that is Sunday night when the Generals play.

That is the flash and trash of hockey in my world. These kids are from all over Ontario. Some of them are going to be great pros, some will be not so great pros, but they are the best we have. My kids all go to the rink Sunday night.

It strikes me that there are volunteers really working their guts out six days a week, and Sunday night, when the Generals hit the ice with Windsor or whoever, they can wipe out in about two hours what somebody has spent 20 hours trying to do during the week.

It also strikes me that each kid is looking down and saying: "Some day that is what I would like to do. I would like to be like Bobby Orr was in this rink." There is all of that mystique and glamour around it. That seems to be a basic problem.

When you go Sunday afternoon, or Saturday morning, to some other rink in town, you see the kids emulating what they saw last Sunday night. That is the basic problem that we just have not got a handle on. I do not know whether it is because minor hockey, in particular, for all of its verbalization of wanting to do things a little different way, still condones a lot that should not be condoned.

I do not understand, in an amateur sport, why someone who has demonstrated bad behaviour--and I do not mean just being rude, I mean whacking people over the head with a hockey stick and doing so repeatedly--still says they might throw him out for two or three games but then they let him back in.

Mr. Robb: But getting back to that, and I do not have all of the statistics here, look where we were before, and the major junior league of the Ontario Hockey League has taken a much tougher stand. Your coach there was suspended for some 50 games. They shipped him out west. Okay, we got him out of the province anyway, but that is--

Mr. Breaugh: He is in exile.

Mr. Robb: Yes. But there is a situation where the Ontario Hockey League finally has taken a tough stand on that and they are saying they do not want that type of influence in the league.

11:10 a.m.

We did not have the fighting rule before. They now have the fighting rule in place, so that if an individual gets involved in

a fight, he is kicked out of the hockey game. That took a while coming.

From the inside we see some things turned around, but we have to continue to work with that league and show them other areas in which they can improve. It is an attitude. It is an educational process. It is pretty tough to change attitudes of the Bodners, Benellos and the Harold Ballards of the world. Sometimes you have to wait until they get out of the game before you can improve it.

Mr. Breaugh: You wait for nature to take its course.

Mr. Hodgson: Do not blame it all on the hockey players and the coach, it is the fans. I have been going to rinks for a few years and--

Mr. Davidson: You obviously read the Minor Hockey in Ontario report.

Mr. Hodgson: --it is the fans that cause a lot of this disturbance: "Get 'em! Get 'em!"

Mr. Davidson: I wrote a letter to Allan Abel complimenting him on one of his columns back in December, and he wrote me a note and one of the paragraphs said, "As for hockey violence, your best weapon would be to assess a misconduct penalty against anyone under the age of 65 who watches Hockey Night In Canada." That was his comment.

The Vice-Chairman: Are you through, Mr. Breaugh, because some other members--Mr. Mancini.

Mr. Mancini: Thank you, Mr. Chairman. I have several questions I would like to ask.

Not being an individual who knows a great deal about hockey, I have to say from the outset that I have not had the experiences of my colleague, Mr. Breaugh, and I do not usually go to the arenas to watch hockey games. That is probably due to several reasons. One, I find the violence in hockey offensive. Two, when I was in grade school and high school we just did not have the facilities in our community or the interest, I believe, in hockey. But notwithstanding that, I do have some concerns.

I would like to start off by asking how will it be possible for the ministry or the general public to assess how successful your program has been once the three years has expired, and whether or not we will have received our \$2 million worth? I will put that to the executive director.

Mr. Robb: Is that to me?

Mr. Mancini: Yes.

Mr. Robb: One thing you learn in this business is we are in a bit of a partnership and in terms of our evaluation process, there are several things that we felt were necessary.

Number one, we felt there was--and I speak as "we;" I am speaking of our board--I am saying that we felt it was important to get a handle in terms of finances of the operation. In order to run a business you should not wait until the eleventh hour and then decide what action you are going to take.

Mr. Mancini: When you say getting a handle on the finances of the operation, you are talking about--

Mr. Robb: Sort of an assessment of maybe where we are today, recommendations as to what our potential is from now until the so-called \$2 million runs out, if you want to use that expression. That is one of the reasons the marketing study and the business assessment was undertaken. That is the first thing in terms of finances, to see if we do have potential in terms of marketing ourselves and self-sufficiency.

We have used the minor hockey report. I think you are familiar with this one--this document.

Mr. Davidson was one of the authors of this report. Questionnaires were sent to some 80,000 people, and this was an opportunity for people in Ontario to give some input as to what they are doing and what the requirements were. Our committees are evaluating the response against some of the recommendations in here. We have to show that we have acted on some of those recommendations. So that is another measure, another evaluation.

You can see in our structure we do have a coaching committee, we do have a referee committee, we do have a parent, a player, an administrator and a trainer's committee. So you have the whole hockey spectrum serving on those committees. Those committees are composed of members of our organization, so we have representation from all the hockey bodies on those committees. We are not just talking about an isolated committee. Those committees have reviewed the minor hockey report. They have set goals right now and so they are in the process, through their chairman and through their full-time staff, of evaluating how we are making out.

As you know, through Mr. Secord's department we have consultants to our program. We have asked Mr. Halstead here and John Thorsen to provide us with a reaction from their aspect on exactly how they feel we are doing. We have our year-end staff report, of which you also have a copy, and we would like to know, as people involved in the development of the sport, their evaluation of ourselves after the first year of operation. Do not forget, we have only been in business for one hockey season, the new Hockey Ontario Development Committee. I think it is important that we find out from them just exactly where we are going.

Probably the biggest evaluation exercise are the people in the grass roots, the people in the ranks. At each clinic we operate, we have an evaluation form that a participant fills out to see whether or not they have appreciated some of the things they were involved with at a clinic. Our magazine, Hockey Scope--I think you have a copy of that in there too--goes to some 10,000 subscribers in this province and I do not know how many other--

Mr. Mancini: Is there a charge for that?

Mr. Robb: Yes, there is right now, but we are pursuing areas of making that a free distribution in the province, in large numbers. There is also a questionnaire going in this next issue of Hockey Scope just to find out if we are doing the right thing. I would think once we get all this information in, we should have a pretty good handle on just exactly what is going on.

Mr. Mancini: You mentioned that you have a program for coaching, refereeing, trainers, et cetera. Was there any body that looked after the coaching and refereeing before HODC decided to?

Mr. Robb: Yes. I guess Lloyd probably knows the structure a little better than I do and I think he brought that out in his initial comments. It deserves repeating again. Do you want to sort of explain that?

Mr. Davidson: Sure.

Mr. Mancini: The point I am trying to get at is if there was one prior, is that particular organization still training, still issuing certificates for coaches and referees and (inaudible) trainers?

Mr. Robb: No, that is now our responsibility.

Mr. Mancini: This is your total responsibility?

Mr. Robb: Yes.

Mr. Mancini: Basically in that area you have been given another organization's responsibility and you have taken over.

Mr. Robb: We really did it before, but we also had the Ontario Hockey Council out here, so we had two groups really trying to do the same thing. Now we are under the same umbrella. That is the difference.

Mr. Mancini: I see. Did they relinquish that happily?

Mr. Robb: It was called the OHA technical office before, but really the mandate of the technical office was provincial, not just groups within the Ontario Hockey Association. The government basically provided the funds through the OHA bank account, but for provincial operation.

They also funded the Ontario Hockey Council, which was going off and doing the same thing with player education, parent education and things, so the recommendation was that we amalgamate and put it all together. That happened back in the spring of 1980 where all the different bodies in the province, along with Mr. Baetz and his staff, sat down and hammered out a package and they all signed the document for three years. That is really how the Hockey Ontario Development Committee evolved.

11:20 a.m.

Mr. Mancini: Maybe I should have asked my question this way: Are you overlapping the work of any other hockey organization?

Mr. Robb: In the province?

Mr. Mancini: Yes.

Mr. Robb: None.

Mr. Mancini: So you are doing strictly what no other organization is doing, that is your belief?

Mr. Robb: I know for sure.

Mr. Mancini: For sure. I would like to ask you how many children are involved in organized minor hockey in Ontario.

Mr. Robb: Registered players?

Mr. Mancini: Yes.

Mr. Robb: Upwards of 300,000.

Mr. Mancini: I assume, from reading the report that was submitted to us by our researcher, that your organization basically grew out of the report that was done in 1974 by Bill McMurtry's report on the investigation and inquiry into violence in hockey. The Hockey Ontario Development Committee grew out of the Ontario Hockey Council, which grew out of that particular report.

One of your main objectives, as you have told us earlier this morning, is to ensure that you get quality people in coaching, training and refereeing to, hopefully, try to eliminate most of the unnecessary violence in hockey. Would that be one of your prime objectives?

Mr. Robb: I do not know if I like the term "violence" but we are trying to eliminate some of the--

Mr. Mancini: Clubbed with a stick or an elbow in the face. That is violence. It is pretty violent.

Mr. Robb: That is violent. Right. Okay. I think you are right.

As I pointed out before, it is very important that in all our programs we do have good leaders in the communities. We have tried to solicit--that is not the right word--we do have instructors in all our programs who annually undergo a seminar whereby they are exposed to teaching principles, leadership things, technical workshops, et cetera. A lot of our people who are instructors have as a background not only elementary or high school teaching but also university.

It is important to us that we ensure the individual who is going out and doing the instructing has the credentials to do

that. That is one important function that is part of our mandate and it is important for us to do that.

Mr. Mancini: This was touched upon earlier by another member of the committee, but it was asked why the Metropolitan Toronto Hockey League was not part of your organization. I think I recall your answer as being they belong to another organization which was, in fact, part of the HODC and therefore they were represented.

I do not totally find that a satisfactory answer. I was wondering if you could enlarge on that a little bit. Toronto being the largest city in the province and their hockey organization not being part of the HODC, I find quite disconcerting.

I would like to know what steps you have taken to get this organization involved with the HODC. How can we possibly have an organization that is supposed to be province-wide not having a member as important as the Metropolitan Toronto Hockey League sitting right there at the table with you? How can you possibly hope to implement your goals and objectives if everybody is not on the team, so to speak?

Mr. Davidson: Let me have that. At the time HODC was being formed there was considerable political turmoil in the hockey community. The MTHL president, or his board of directors at the time, decided that organization would not join.

When Mr. Baetz brought his estimates forward last year, I understand there was unanimous party consent to the approval of them, and I recall some remarks in Hansard where Mr. Martel had said, "If Phil Vitale does not want to join, so be it, leave him out." That has been their choice. We have had all kinds of communication with them and forever they answered, "We do not want to join."

When Don told you they are a member of another organization, to develop the hockey structure a little bit further, the CAHA is made up of 12 branches across the province, three of which are in Ontario. Within the OHA, which is the largest branch in Ontario, there are three organizations which run minor hockey, the Metropolitan Toronto Hockey League, the OMHA, and Northern Ontario.

The OHA has an agreement with each of those organizations whereby that agreement gives the various organizations the right to participate in CAHA programs. By reason of the MTHL affiliation with the OHA, that entitles them to participate in such things as the Air Canada Cup and the Colonel Sanders Cup and the Loblaw Cup and various other programs, and all of the various things that come to CAHA membership. Because the OHA is the authority for CHA programs, it has assumed responsibility for making sure the programs that we put on are delivered to the members in Metropolitan Toronto Hockey League.

We think there are some disadvantages for them. In this organization there are seven hockey bodies who, in my opinion, are equal partners. There could be an eighth equal partner who chooses

not to be, and we do not know what we can do about getting them back. I guess we just have to wait until they have reassessed their position and want to come and join.

But at this point I can assure you that no program offered by HODC is denied the members of the Metropolitan Toronto Hockey League. Is that clear enough?

Mr. Robinson: Why do they not want to join?

Mr. Davidson: Frankly, I think there is some political stalling within their own organization.

Mr. Robinson: What does that mean?

Mr. Davidson: Personalities.

Mr. Robinson: I do not mean to be naive, but are you suggesting that there is a personality clash between members of their executive and members of Hockey Ontario?

Mr. Davidson: Not Hockey Ontario, hockey generally at the moment.

Mr. Robinson: Mr. Hodgson made the comment over my shoulder that they want to run their own show. I am not asking you to rationalize why they are not in it. I am not asking you to answer for why they are not in it, but I think in conjunction with Mr. Mancini's questioning, we are trying to get a feel for why this apparently substantial block of hockey interest in Metropolitan Toronto chooses not to be part of a provincial agency.

You are certainly much more close to it than we are, and we would just like the benefit of your opinion in a candid sort of way on why they are not keen to join.

Mr. Davidson: I will give you my opinion. Back when all the turmoil in the formation of HODC was going on, there was a feeling among some of the people in hockey that government was trying to run hockey. That caused some concern. Hockey people have always had the attitude that they want hockey to be run by hockey people. We would take money from you to run the various development programs--and that has always been their attitude--but the running of the actual hockey programs where town B plays town A and they are going to ultimately end up playing for a championship, is the sole prerogative of the hockey organization. They have always wanted it that way, and there was some feeling that there was an attempt by government to take us over.

I frankly never shared that concern. I found Mr. Baetz to be a very honest man. When he said he wanted hockey to be run by hockey people I took him at his word, and to this point I have not changed my mind. But there was some concern in some of those people's minds and so the MTHL decided to opt out. Apparently they must still have that concern, because they are not back yet.

Mr. Robinson: Thank you, that was a good answer.

Mr. Robb: Could I just add something to that? I think it is a fairly sad state of affairs too that they are not part of it. As Lloyd mentioned, we have met with their president and we have had correspondence back and forth. At one point, we thought we had a bit of an agreement that their representatives would serve on our committee, but they would not be involved in the politics of running the operation. But since that time we have had no response.

11:30 a.m.

I am concerned, number one, that certainly the services that are available are getting there, not that they cannot do a very good job and work with them, but there are other things we could be doing with their co-operation that are not happening. Let us be quite honest about it.

When you have two million people within maybe a 30-mile radius or less and a lot of hockey players right here in Toronto, although they do work with us and the OHA and in terms of co-operating and conducting the clinic, there are a lot of other things we could be doing.

Mr. Epp: I think you indicated that there must be some kind of perception here by Metropolitan Toronto that government wanted to get too much involved in hockey. What was the basis of that perception?

Mr. Davidson: What was the basis of that?

Mr. Epp: Of that perception, that government wanted to get too much involved in hockey?

Mr. Davidson: It is the fact, I guess, that government called the meetings.

Mr. Epp: Was part of that the study on violence in hockey and so forth?

Mr. Davidson: That was about five years after the violence in hockey report. There were some concerns then but I thought we had them pretty well laid to rest in the five years the Ontario Hockey Council functioned. The HODC is the forerunner or, rather, the post-runner of that.

Mr. Epp: Just from my own perspective, I saw there was a lot of violence in hockey and I was upset by the fact the government, or somebody, was not stepping in and doing something about it. The hockey people were not going to do it and it was not perceived that they were doing it; then the government should step in and do it.

For instance, the kinds of things in violence that people in hockey were getting away with, you could never get away doing it down on the corner of Yonge and Front Street, hitting somebody over the head with a hockey stick and then walking away with it and nobody doing very much about it.

You might get a few months in jail and yet people were doing it in hockey and getting away with it. I said to myself: "The government has to do something about this. If the hockey people are not, then the government has to."

Mr. Davidson: I guess a perfect example of that goes back to the Maloney case. When it came to trial was it not funny how all the National Hockey League people closed around him, even the guy that got his head hurt?.

Mr. Epp: Exactly.

Mr. Davidson: Violence is a term that is really used a little too much. There are some violent acts that happen in the older age groups but, generally, the bulk of minor hockey players are under the age of 14 and really there is not all that much violence. Those kids really do not go around hitting each other over the head.

We would like to tighten up on the refereeing. When we put all this extra equipment on some of these players like face masks and so on, we did not change one rule about high-sticking. We keep hearing, "Now they have masks on, all you can hear is hammering on helmets because they are protected." But we did not change the rule. The high-sticking rule is exactly the same as it has always been. If you high-stick, you get a penalty.

Frankly we harp at the referees, call the book as it is written. I have some philosophies about the NHL. A referee goes into the community, gives four to the home team and five to the visitors and he has done a good job. But we never told an amateur referee to call a hockey game that way.

Mr. Robb: I guess there is one other point that should be made and I guess this goes back to this document here. The hockey community is seen, from my standpoint, (inaudible). Is it a volunteer? The hockey community, one looks at the OHA, the OMHA, it has slowly changed if you talk about the violence issue, et cetera.

We never had a vehicle where we could go out and ask the people what they thought. This document did, and the people spoke loud and clear. They told us what was wrong with the damned game and I think it was a pretty good challenge in here to hockey people. I think that is where the whole thing started.

Mr. Davidson and Barry McPherson, who is chairman of the parent education committee, who is a sociologist at the University of Waterloo, who were the authors of this report, they really set a challenge to hockey to clean up the act or the government will step in.

It is better, from our understanding, for government to work along with the sport rather than come in heavy and try to change it.

That is the reason why Hockey Ontario was developed, to work on this document. There is need for change, and rightly so. The

violence was increasing and some of the other concerns were there. But the so-called hockey establishment did not necessarily like the terms of reference of some of the things we hammered out. They did not want to have public sectors on a hockey body, which to me is ridiculous. I tell you they finally agreed to that and that is where the Metropolitan Toronto Hockey League did not see the terms of reference to their liking and decided to walk away.

The Ontario Minor Hockey Association had five concerns that they had itemized, took to the minister and all those five concerns were met before they joined, as well as the other people who signed the document. You have to have some give and take on the thing, but the MTHL decided not to do that, and I think, in terms of our people who are involved in it now, we have a pretty good working relationship and things are improving.

But I see that as the basis for the whole thing, like, who are the people of Ontario to tell us who have run hockey what the hell to do? Well, if you do not ask them, you are never going to find out. That is the dilemma that a lot of the hockey administrators found themselves in.

Mr. Epp: I just want to take one more minute, if I may. One of the things, speaking about violence and so forth and the roughness. I have played a lot of hockey and it was not that bad. We did not wear helmets and so forth. But last Sunday night I took my 10-year-old son to a hockey game between the Minnesota North Stars and the Edmonton Oilers in Kitchener. When we left the game, I said, "How did you like the game?" He said, "It was okay, but there weren't any fights." One of the things, after watching television and the NHL, he sees these games on an irregular basis and he thinks every game has to have a fight or two in it.

Now that is not something you people can control, because you have no responsibility for the NHL. But because hockey is on television all the time, the NHL, and because they happen to have those fights there almost on a regular basis, people out there, the kids, think they have got to see a fight at the game because that is part of the hockey.

I do not know what you do about that. He is 10 years old. I would prefer him not to fight but he has to stand up for himself. But he said to me, and I was somewhat startled by his remark, "There weren't any fights there." That had to be part of the game. He was disappointed he did not see a fight.

Mr. Robb: We are involved in the education business and that is an attitude that creeps into the game at some point. Our committee is working out an educational package right now that you can offer in the Ministry of Education. What better place to start teaching sportsmanship and fair play and all these values?

It is specific to hockey, but it is an important life skill to have these types of things. That is one exercise we are working on as well as trying to develop better role models in the communities, whether it is coaches, administrators or whatever. That is where it has to start. When you get them at 13 or 14, though, it is too late. That is our thought anyway.

Mr. Davidson: Your boy is aged 10 and, if he plays as much hockey as many of the kids in the province, when he is 16 he will quit.

People are always wondering why we have such a high dropout rate at 16. A funny thing about the kids that quit at 16 is they go back when they are 22 and play in the industrial leagues and so on. And what kinds of leagues are most of those leagues turning to? No contact.

It seems to me that, if a kid can learn that much in six years, become that much smarter, does that not tell you something about the game and where we should be putting the emphasis?

I am not sure it is because of girls, which you always hear about, or because of school. Bobby Smith did not have any trouble carrying the whole load, you know, and now he is a pretty good hockey player. I think hockey and education and all those things, and even girls, can go along hand in hand. Maybe there are some other areas we should be looking at.

11:40 a.m.

Mr. Epp: Well, I did not forget about girls when I was playing hockey through my teens, and vice versa.

Interjections.

The Vice-Chairman: We will go back to Mr. Mancini.

Mr. Mancini: I was going over the finances as they were presented to us and I see that, for the period ending March 31, 1981, you received a total of \$625,000 and your expenditures were \$711,000. Looking at the breakdown under the heading "services," the expenditure was \$504,000.

I assume the bulk of that \$504,000 was to operate, I guess you would call them the training clinics for the coaching, refereeing, trainers, et cetera. Does it really cost that much money to have people receive training to become a coach or referee in minor hockey? Is it really that costly? If not, could you give us a further breakdown of some of the costs?

I am trying to correlate this with what we have talked about earlier, that one of your big objectives is to make sure you have proper coaches, referees and trainers so that we have the proper leadership in the communities when people return home from these sessions.

I assume they pay a fee to come to wherever they go, here in Toronto or North Bay, Thunder Bay, Windsor or Oshawa for these sessions. I would assume that part of the fee would cover the majority of the cost to put these sessions on. I find it a little difficult as to how these kinds of costs can be run up. It is not that they are not legitimate. I am just asking.

Mr. Robb: First of all, our approach for user pay is a

philosophy we have recently established and we have to bring that whole philosophy in line.

We have to pay our instructors to do clinics. We have to pay for their expenses, et cetera, and our income from our expenses in the 1980-81 hockey season, since we were relatively new, did not cover this. There was a shortfall there. Our budgeting for this coming hockey season has been based on user pay, so we have certainly improved upon that area. We are trying to cut down that area.

There were some 257 coaching clinics last year and your average cost, for example, of a level one clinic, of which we ran about 100, is over \$100 a clinic so it does add up fairly quickly. Coaching is only one small aspect of it.

We realize there is a responsibility out in the community to organize the clinics, to put up your posters, to go to the clinic and administer it and make sure that it runs smoothly, set up the ice time, send the information back into the office, et cetera. So we have part-time people out there who volunteered to do these jobs. We had to pay in some cases for this administration. So that is another area--

Mr. Mancini: Does that not come under the salaries and benefits?

Mr. Robb: No. Salaries and benefits are for full-time people.

Mr. Mancini: So then, under "services," there are also people you pay on a part-time basis.

Mr. Robb: To administer the program, whether it is coaching, refereeing, trainers--

Mr. Mancini: What percentage of the total expenditures would that amount to? Is that very significant?

Mr. Robb: Less than one per cent.

Mr. Mancini: It is still not clear, then, in my mind, if you are charging people to attend these coaching, referees' and training clinics, why it would cost this much money.

Mr. Robb: Can I just go through and add them up?

Mr. Mancini: Go ahead.

Mr. Robb: I will go through and itemize it. We also have a coaching committee that meets a minimum of three times per year. Their expenses have to be paid to be brought in to do various things; to plan these classes, to plan what we have to do in coaching in the province, for example. So that is an expense.

We also have embarked on certain specific projects. We spent some \$23,000 last year just to bring our instructors into a central meeting place. If you are involved in any type of

education, you have to make sure your people know how to teach and are technically updated on what the new material is. That is another area of great expenditure.

We also develop films and resources each year, as well as manuals. We produced some of the films you saw, either on a share basis, or as a direct purchase from different people. That is a large part of our budget.

Mr. Mancini: What did the five films cost you?

Mr. Robb: They cost \$10,000.

Mr. Mancini: That is \$2,000 each, approximately.

Mr. Robb: Hockey Night in Canada paid the rest.

In our document you can see all the films we have in the coaching program. You have a list of all those. There is also the referee program and the new trainers program. We buy those films from the Canadian Amateur Hockey Association, which produces them. Their cost is approximately \$200 each. That is an added cost.

When you conduct, just in coaching alone, 257 clinics in the province a year, you cannot have just one or two sets of films. We have probably 50 sets of films, which are constantly being updated and changed, so we have to continue to purchase those from the CHA. That is also a cost.

We also develop the slide package, along with that, which the instructors use. In terms of new programs for trainers, programs, we are sort of leading the way. It is the only certification program in existence, anywhere, for hockey, specifically. It is very costly to develop our own resources, our films, slides, et cetera.

There are three programs--coaching, refereeing and trainers. That is sort of basic, the clinics and some of the other things, the resources and the instructor training.

In the referee program some \$56,000 was spent just in evaluating the officials. We have a program for placing qualified supervisors in the arenas to evaluate the performance of the referees during the hockey games.

Mr. Mancini: You travel around the province, is that what you are saying?

Mr. Robb: Yes. They will sit down with the referee at the conclusion of the game and provide him with a form they filled out, a documented form, evaluating his performance during that game.

We also spent, last year, some \$11,000 in a pilot project to do the same thing for coaches. There is a feeling in the community now that just going to a coaching clinic doesn't make you a coach. I think you have to be responsible for your behaviour in the community, so the committee felt we should have some checklist

system of evaluating that coach, of watching him in action behind the bench, how he runs a practice, that type of thing. It cost money to develop that whole program.

We are making the trainers program mandatory for hockey trainers in the province. We have been really negligent in this area. We have not, in the past, provided hockey with a method to improve the safety of the participants. We have added equipment and so on, but we appoint someone on the bench as a trainer and don't give him any skills. He has no background in terms of how to prevent injuries, how to take care of injuries, unless he has, on his own, taken a St. John's Ambulance course.

We, along with the St. John's Ambulance people, have developed a certification program. Some \$54,000 was spent just in developing that program alone, the slides, writing material, et cetera. I think you have a copy of the manual that was developed. It is a very expensive proposition to develop that.

11:50 a.m.

We have also undertaken certain research projects. One of these is in the area of injury prevention. We, through our trainers, are keeping records of injuries that are happening during the season in selected teams around the province. It is our idea that the medical people who sit on our committee would like to use these stats as information for hockey manufacturers, for example. We show them that certain types of injuries are happening in hockey, and suggest that they make certain modifications to equipment to prevent this. I think that is a pretty good service to hockey. So that type of thing is happening.

In terms of technical resources, we have a hockey magazine, Hockey Scope, which you have seen. It cost some \$42,000. It does not yet have the subscribers or advertising revenue to pay its way.

Mr. Mancini: How many copies of this would you send out?

Mr. Robb: About 10,000.

Mr. Mancini: Do you have a list of subscribers?

Mr. Robb: Yes. One of the things that comes out loud and clear in this publication is that parents want to know what is going on in this province. We have to develop a communication vehicle. We see an expansion of our magazine, which we regard as a vital communication vehicle for the province. If you leaf through it, you can see it is not only for parents but for the total hockey spectrum.

We spent money producing some extra copies of the minor hockey report to send around to different people, so that all our committees could review it and get some more documentation on this type of exercise. Lloyd pointed out earlier that some of the recommendations in the report may not be feasible, so we want to review that and ensure that we can deliver some of the things that are in there.

Also in that budget figure is a budget for our player subcommittee. Money was spent developing information for parents on conditioning programs, in a booklet form that can be sent out. It was also spent on developing films showing the different options that are available for kids today, whether it is going on to university, junior hockey or going back into the community. A poster program is under way on that.

The parent education committee is another one that developed some newsletters for parents. Different people made the comment today about the frustrating question of how do we turn that parent attitude around. That committee has been trying to develop a parent package, so to speak, where we can go to communities, put on a bit of a forum and find out from the parents what they would like to see happen. We are also developing a film for parents. We are trying to approach it using comedy; the problem parent never sees himself as a problem in the community.

Mr. Mancini: Or herself.

Mr. Robb: Herself, yes; himself or herself.

Mr. Breaugh: If you came to the rinks you would know.

Mr. Robb: That is the direction of the chairman. He would like to see a film produced along those lines, that we can take around and show to people to try and change some attitudes.

I think one other area, and it is not part of salaries, is the money that we spent last year for development co-ordinators. This was a first in hockey.

Mr. Mancini: Could I interrupt you for just a second. I noticed two or three times as we were going through, you mentioned that there are certain people out in communities that you pay on a part-time basis to do several things. I was wondering, do you have a number on that, on how many?

Mr. Robb: Yes, we have 17 part-time co-ordinators. These people co-ordinate the clinics. We have, now, four full-time people who work in the hockey regions.

In coaching, we have a total of about 300 instructors in the province and another 125 supervisors around the province. So, in total, it is a fairly large number.

Mr. Mancini: About 400 people--

Mr. Robb: Yes.

Mr. Mancini:--who in one way or another get paid for their services.

Mr. Robb: Yes. I also wanted to mention the full-time development co-ordinators. One of the problems with this business is that you are dealing with a volunteer. The volunteer does not have the opportunity to get out and meet people during the day, weekends or in the evenings.

So, last year we hired a full-time person for the Ottawa region, the Thunder Bay region and for women's hockey in the province; just to move around the province to make people aware of what is available to them and to make presentations. If a certain community wanted a special goaltending clinic, he was to set that up and get the people in to do all that.

This initiative has been an outstanding success and has been well received by the people. The volunteers do not look upon the person as a full-time employee taking over their jobs. The person is working along with the volunteers.

We have expanded that to include a person from the Northern Ontario Hockey Association, NOHA, for this year, so that we will have four in place for this coming hockey season. But that is another expenditure.

The other area in terms of committees was our administrative committee which, as I said before, is putting together that booklet on developing resources for hockey administrators in the province. We had to have an author put that together, so that was a cost.

The reason many volunteers get into the game today is because executives are doing a lot of administrative work. So it is a real necessity to develop some of these skill programs for them to be sure they have the proper skills to do the job.

That is a quick run-through of some of the things we do. I have probably forgotten a lot of them. I can certainly document all those, if you like.

Mr. Mancini: No, that is fine. Hansard has recorded everything you have said.

I wanted to ask something about a report I read which said that your staff, I guess at the head office, consists of five secretaries, nine full-time employees and one consultant. What does your consultant do? Why is it necessary to have a consultant on your full-time staff when there are so many hundreds of volunteers and so many hundreds of people involved in your overall program? I am sure you could get any kind of feedback you wanted on how the game is played, or how it should be played, or what the people are looking for.

Mr. Robb: Just to clarify that--I am going to pass the buck in a second on that one--the consultants in this case are Waldo Henderson and John Thorsen. They are consultants from the ministry that is responsible for different sports. That one person is really not on our staff.

Mr. Mancini: Is their salary charged to the ministry?

Mr. Robb: He is an employee of the Ministry of Culture and Recreation, but he is there for our benefit, to work with us and make sure that we are doing the right things.

Mr. Davidson: He is policing us.

Mr. Mancini: He is not really a consultant, then.

Mr. Robb: No, but seriously, we get some good direction from that person; and vice versa, I hope.

Mr. Mancini: It says here that during the 1980-81 season, the committee inaugurated a program of regional development co-ordinators in the Thunder Bay Amateur Hockey Association, as well as in Ottawa and Ontario Women's Hockey Association. Why were those three areas chosen to have regional full-time development co-ordinators?

Mr. Davidson: I'll take that. They were not chosen to have them; they chose to have them. All the areas in the various provinces were offered them.

Mr. Mancini: How many areas does the province comprise?

Mr. Davidson: Let's talk about the seven member organizations. Full-time development co-ordinators were offered to all the various hockey bodies. The ones who have them are the ones who chose to have them. The OMHA felt that volunteers, plus the eight part-time co-ordinators that we have in our area, could do the job, and at this point have not opted for full-time people.

In the Ottawa district, in northern Ontario and Thunder Bay, the areas are much more far flung; it is much more difficult for part-time co-ordinators to function in those areas so they opted to have full-time people.

12 noon

Mr. Mancini: Just one final question: Is it your perception that once the three-year program has been completed you will continue to receive substantial financial assistance and, if that is not the case, how do you propose to run a \$700,000-a-year program without significant assistance when the deadline is only two years away?

Mr. Davidson: I assume we are going to get the basic grant we have had since 1972. The old Ontario Hockey Association had a base grant. We have some assurance that is going to continue.

Mr. Mancini: How large is that grant?

Mr. Davidson: About \$300,000. If we fail to find money in the public sector and fail to have a successful user-pay program, two years from now, when my wedding anniversary comes along--as it is today--I will be home celebrating it with my wife instead of being here.

Mr. Mancini: Congratulations.

Mr. Epp: Your salary does not make up the difference between \$700,000 and \$300,000.

Mr. Robb: It should be pointed out that Mr. Davidson is a volunteer chairman of the committee and does not get one dime

honorarium as do any of our chairmen or members; they get only expenses, which is 25 cents a mile and \$18 a day. You have to be quite a dedicated person to be involved in this. Because the staff get paid does not imply they are not dedicated, I wouldn't say that. I think that point should be brought out.

Mr. Watson: I would like to echo that. I want it made well-known, Mr. Davidson, that if you were at home you would be in Chatham. We have heard a lot about Oshawa and hockey this morning. There is a lot of hockey that goes on in Chatham. Mr. Davidson has been very much a part of it.

I would like to go back because of my ignorance in hockey organization. The different bodies that are members, what proportion of hockey players do they represent? How do the representatives negotiate for their positions? I realize you are volunteers, but you used the expression, "the cream floats to the top." I am sure that some of these groups are made up of cream that has floated to the top for you to get your representatives. Can you outline how the people got into your organization?

Mr. Davidson: When HODC was formed, this is going back right back to the start of the Ontario Hockey Council at the time of the McMurtry report, one of the recommendations was that there be an Ontario hockey council, which he foresaw as a body which would overlook all of hockey.

As a result of negotiation between the ministry, Mr. McMurtry and some of the hockey bodies, it was decided that the membership of the council would be made up of people who are under the umbrella of the CHA. There are many people who play hockey who are not under the CHA umbrella. So the old Ontario Hockey Council was made up of seven in the beginning, and eight when the women became a viable organization. They became the eighth member of the Ontario Hockey Council.

As I perceive it, one area that was not covered was the public sector. When HODC was formed, the seven bodies other than the MTHL which is under the CHA umbrella offered to become part of the HODC, and Mr. Baetz made one of the conditions, that there be public sector representation. So the structure now contains the seven organized hockey bodies and two from the public sector, and me as the chairman, a representative of the public sector.

Mr. Watson: This answers my question. Rather than represent any one group, you consider yourself representative of the public sector. I realize you wear hockey hats, but on the other hand, I am sure that some of the other people who sit at your board table have their organization interests at heart for being there.

Mr. Davidson: Yes, that is absolutely true. There are all these politics, legalities and so on, but suprisingly enough, I felt from the very beginning of the Ontario Hockey Council one of the great advantages was that those bodies sat down together and the people from the north found out that people from around Toronto were just as good hockey people as they were. So many of the petty jealousies that used to go on among hockey bodies I

thought were dispelled to some degree and there is great co-operation, really, among most of the members of the HODC.

Mr. Watson:: Okay. You have touched on one of the points. We talked about the Metropolitan situation. Are there any other groups now that should be included? If the Metro people were to come in for some reason, would you consider your group complete, or are there people outside?

Mr. Davidson: I think that would be complete, because I think the public sector can take on the responsibility for making sure the other interests are taken care of. In addition to that, everybody is really a public sector guy. My attitude is that we are in this for everybody who got involved. That is why we got involved so long ago, because, when you open up the registration for Chatham minor hockey, every kid in town gets a chance to play, so Chatham minor really got represents the public sector to some degree and with its ultimate membership in the OMHA, those feelings are all there.

If you have ever attended an Ontario minor hockey annual meeting, which is the largest hockey meeting in the world--we will have about 1,000 delegates there--they will only come to talk about minor hockey. The dedication involved in these meetings is tremendous which helps to make it worth while and why I have hung around as long as I have.

Mr. Watson: I realize that, as with some other things, but hockey, as you mentioned, I think would be a dead issue without the volunteers and your organization would be a dead issue without volunteers like yourself.

Do you provide any advice on policing? Violence has been referred to. The things that seem to make the news are the suspension of coaches, the appeals to the tribunals and I don't know all the internal politics but you listen to Chatham and I listen to Chatham and you know some of the ones in the middle.

Are you asked for opinions on that as an organization, or do you leave all of those things of administration to the groups? How much advice do you provide? How much weight would your advice have?

Mr. Davidson: Probably if it came to a choice of writing headlines that will sell papers and talking about a game that was more like a ballet than a rough hockey game, the chances are the rough game would be just a bigger headline. I really don't think we have much control over the media, because that doesn't sell papers.

Mr. Watson: What about the financial interests of people who own teams? I realize they are probably making a red pencil entry in their books, but we do have organizations that sponsor teams and I suppose once in a while it is (inaudible) because I suspect more often it is rare. Do you have any comments on whether that system is good, bad or indifferent?

Mr. Davidson: The only people who really own hockey teams, as we recognize them in the amateur sense are (inaudible).

Nobody owns a minor hockey team and anybody who puts up money to sponsor a minor hockey team knows that there is more goodwill than there is publicity or anything else. If you have your name on a sweater, if you go into a building there aren't very many people who read the name.

I agree with you, probably most of the junior operators are not making a profit because it is a pretty hard, tough row to hoe. I am now sure why they keep on doing it, frankly. I guess they just love the game.

Mr. Hodgson: They all hope they will get into the finals and have a few big crowds at the end of the season.

Mr. Davidson: You have to have a winner to do that.

Mr. Hodgson: That is what I say, they are all hoping.

Mr. Watson: But they are not all winners.

A lot of my questions were answered here at the beginning and I certainly want to put on the record, coming from Chatham, we very much appreciate your dedication to this and I think probably, although we haven't met the other members of the board this morning, they are certainly as dedicated as you are to it and it is appreciated.

12:10 p.m.

Mr. Hodgson: I just have a couple of short questions. First, I know Chatham is a rich area, and this is one thing I want to dwell on. You said that any boy who came to the Chatham Minor Hockey Association got an opportunity to play. That is not the case all over the province today because I just looked at a report in one of our local papers where the Georgina Hockey Association, Georgina's north end region, they went in the hole last year for \$26,000.

They are charging--and it is quite prevalent all over that area--\$75 for a boy to play minor hockey. That is for the first boy in the family. The next one is \$50 and the next one is \$50. A lot of people out there are struggling, especially now with the high interest rates, to keep their homes paid for, and they can't put their boys into hockey because it is \$75 plus his equipment and his skates.

I don't know what is going to happen to minor hockey in the future if the price per boy goes up, and the cost of equipment is going up. A lot of kids are going to be left out because their parents can't afford to put them in.

Mr. Davidson: That is an ongoing concern in this area, and we touched on it in the report on minor hockey.

Mr. Hodgson: I was going to ask if you have anybody--or if you are thinking about it--to go and offer some advice to these minor hockey associations. That is a hell of a lot of money for a small community of 20,000 people to go in the hole for--\$26,000.

They had a grant from Wintario of \$7,000 last year and council gave them as much as they could afford. I think that is one area you should be looking at, to have somebody trained in how to set up these finances and what they can afford.

Mr. Davidson: I guess that is exactly why we formed the administrative committee, in the hope of developing skills in people so they can run proper and successful fund-raising projects. For instance, as we toured around the province before we wrote that report, we put on public forums in 31 communities, something like that.

Barry McPherson, who is probably in his late thirties, maybe early forties now, still plays old-timer hockey. One of the things he mentioned was that he had gone down to a sports store recently to buy some new tips for the back of his skates. While he was in there, they told him, "These are not going to be available much longer because now we are going into all those beautiful moulded skates."

These tips used to cost about 15 cents each, and they are up to about 50 cents a pair, so he bought 10 pairs because he plans to wear his old tube skates until his career is over. But that is part of keeping up with the Joneses. The parents think they have got to have the \$125 Tacks.

Mr. Hodgson: I agree with that, but then there are parents who can't keep up with the Joneses; they are not going to be able to. And they could be some of our best hockey players in the whole area, but they do not have the opportunity.

Mr. Davidson: Gordie Howe learned to skate on one skate because his sister had the other one on.

Mr. Hodgson: I go out to Newmarket. I have been involved in hockey for the last 30 years. I was lucky enough to have three Ontario championship minor teams that I was either coach or manager of in the group. It might have been a C group, but it is just the same as if it is an A group. And a hockey stick is \$7.50.

The other thing--I don't know if the rule was changed this year, but there is not such thing any more as an OMH championship minor hockey team. Did you realize that?

Mr. Davidson: I don't know about that.

Mr. Hodgson: I used to always get scrolls for them. I had a hockey team that won a championship (inaudible). I could not get them this year because they are saying they are not Ontario champions because they did not play the north, they did not play Metropolitan Toronto.

Mr. Davidson: The ministry has guidelines of what constitutes an Ontario championship, and we provide the names, according to their guidelines, of our provincial champions. The OMHA is really only a splinter organization. There are seven hockey bodies in the province.

Mr. Hodgson: At the time that I was either coaching or managing, we did go and play (inaudible) River and places like this in the finals.

Mr. Davidson: You were the OMHA champions. If you look at the map you will see the territory which the OHA covers, but if you were to be called an Ontario champion, then somebody from Elliot Lake might take great umbrage with you.

Mr. Hodgson: Elliot Lake should play--I think there should be such a thing as an Ontario minor hockey championship regardless. You only have the two organizations.

Mr. Davidson: There is also Ottawa district as well as Thunder Bay and as soon as you start--

Mr. Hodgson: I thought you said there was only three of them, Metropolitan Toronto, northern Ontario and the Ontario Minor Hockey Association.

Mr. Davidson: That is under the OHA, but there is also Thunder Bay, which is a CAHA branch, and Ottawa district, which is a CAHA branch, all of which are part of Ontario. Ontario is the only province that has more than one CAHA branch within its borders.

The guidelines, as I understand them, would make the peewee champions because there is an ultimate playoff between Thunder Bay, Ottawa district, the MTHL and the OMHA champions. The (inaudible) also has those various organizations involved. The entries into that are the triple A teams by OMHA classification.

If you thought your team was good enough, the classification rules in the OMHA would allow you to opt to play in triple A and, frankly, I think that would be a mistake because I believe in even competition where possible and that is the way our classification rule was written, but you would have that option. If you thought you had a real crackerjack peewee team, you could say, "We want to enter our peewee team in the triple A."

Mr. Hodgson: They would have to have a triple A team. You said they have to be triple A.

Mr. Davidson: Yes.

Mr. Hodgson: There is a lot of smaller municipalities who could never produce a triple A. They might produce a double C or something according to population.

Mr. Davidson: I guess what we would have to do is get the ministry to change the guidelines.

Mr. Hodgson: I think the buggers did change the guidelines last year. I have been raising hell in our caucus ever since I could not get those (inaudible).

Mr. Robb: The other option we pointed out earlier was

that if you had one body in the province, it is really easy to co-ordinate that competition.

Mr. Hodgson: It is something you should work on. Work on the members too, will you?

Mr. Robb: One other reaction, if I could, to your cost at the grass roots level: I think that is a very real problem. Two ideas in that handbook we are going to offer to every community in the province are, for example, better budgeting skills to show them how to run this.

There is a lot of money wasted in minor hockey if you look at it. So that is one. Better accounting is one section in the book. The other one is show them ways of offering equipment exchanges. The equipment is so darned expensive and it does not wear out, but the kid outgrows it. If you can run an exchange you are going to save the parents some money and with ice time so expensive--

Mr. Hodgson: A lot of areas have that now.

Mr. Robb: But not all of them, so you have to lead to show people how to do it. The other area is with ice time being so expensive, show them how you can get not only one team on the ice, but you can get three or four teams on the ice so you are really cutting down on ice costs there.

Mr. Hodgson: Just one more comment: We talk about the violence in hockey. Some of those people should go out and see a junior lacrosse game. You never hear anything about it. I have a grandson who played with Brampton this summer. My God, I was down at a lot of games and there is more violence at one game than there is in the whole season in hockey.

Mr. Davidson: I agree with that. I have nephews who play lacrosse and I really do not like the game at all.

Mr. Hodgson: It is exciting to watch, especially if you have a relative in it.

Mr. Charlton: Just one very brief question to follow up on the questions Mr. Mancini was asking. I just wanted to get it clear in my head. Your intention is that, after this three-year program is over, the operation should be in condition to continue based on a smaller grant and being able to fund the difference yourselves. That is the intention at this point.

Mr. Davidson: That is our dream.

Mr. Robb: I would like to say that if Mr. Baetz would offer the same amount of money, we would not turn it down. But I think we have to be realistic about it.

Government has the responsibility to support in this province. It has to provide dollars to operate. But I think also sport in the private sector has a responsibility. As partners with the government and as partners with the corporate sponsor, there

would be sufficient funds available to keep the organization growing and to provide the service that is really required in the province.

The Acting Chairman (Mr. Robinson): That is my list of questioners. Does anybody have any final comment before we adjourn?

Thank you, gentlemen, for taking the morning to be with us. I know it has been very helpful and very informative. Of course, at some time in the next few weeks, we will be preparing a report based on our review of this agency and others that we are doing. I am sure you will be well apprised of it at that time.

I remind the committee we will reconvene at 2 p.m. If you check your agenda for today, Mr. Ladds was scheduled. Apparently he has withdrawn, so we will be meeting with Mr. Cousens, the MPP, at 2 p.m. That is the only thing we have scheduled for the afternoon.

The committee recessed at 12:24 p.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

AGENCY REVIEW

WEDNESDAY, SEPTEMBER 23, 1981

Afternoon sitting



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breaugh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Piché, R. L. (Cochrane North PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Watson, A. N. (Chatham-Kent PC)

Also taking part:
Cousens, D. (York Centre PC)

Clerk pro tem: Arnott, D.

Research Officer: Eichmanis, J.

Witness:

Davidson, L., Chairman, Hockey Ontario Development Committee

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, September 23, 1981

The committee resumed at 2:10 p.m. in room No. 228.

AGENCY REVIEW
(continued)

Mr. Chairman: Okay, gentlemen, I see a quorum. I understand that Mr. Brent Ladds, who is the president of the Ontario Hockey Association and was scheduled to appear at 2 p.m. will not be here today. As a result, we have the pleasure of a presentation by the member for York Centre (Mr. Cousens). He wants to read, and has submitted, a petition to the chairman containing how many names?

Mr. Cousens: Mr. Chairman, there are 2,300 names.

Mr. Chairman: It contains 2,300 names under the caption, "I support the right of choices established by the directors of the Ontario Hockey Association on June 29, 1981, giving hockey players the freedom of choice to play in the Ontario Minor Hockey Association or the Metropolitan Toronto Hockey League."

Mr. Cousens: I am pleased to be here, and I would like to share with you some concerns I have, hopefully within the context that there is something very positive going on, but also to identify areas where we, as Ontarians, should be looking at it to see if there is any way in which we can help remedy it or at least review the process.

Organized hockey plays an important role in the development of our young people and, consequently, I regret that I find it necessary to be present at your committee to share my increasing concerns over the boundary and freedom-of-choice disputes that are impacting such a large number of hockey players in my riding.

York Centre riding overlaps the buffer zone and extends from Bathurst Street in the west to the Pickering town line on the east, north of Steeles. In order to review the events that have led to the present situation, I would like to recount some of the key happenings.

On June 29, 1981, the Ontario Hockey Association board of directors, after careful and balanced consideration, brought down a decision in respect to boundaries. This was not a spur-of-the-moment decision but, in fact, it reflected studies over a period of 24 months.

The decision of the OHA effected a right of choice, or buffer zone, to provide players living between Highway 7 and Finch Avenue and between Port Union Road and Winston Churchill Boulevard, the choice to play either in the Ontario Minor Hockey Association or the Metropolitan Toronto Hockey League.

The only condition was that a player comply with the normal release restrictions laid down by the organization holding his playing rights from the previous season. As a result of this far-reaching decision, players in the area affected immediately made application, either individually or by league, to join the MTHL.

In the case of the Thornhill Islanders' application, it was made on June 30 and accepted on July 31, 1981. The freedom of choice was not well received by the OMHA, but the OHA affirmed their decision on a number of occasions despite these protests. Lawyers for the OMHA discovered what they regarded as an error in the timing in the notice of intent to implement the freedom-of-choice zone. The OHA concurred with the opinion of the OMHA council and on September 9, 1981, rescinded the buffer zone decision.

That decision left the players who had applications to join teams in the MTHL, and who required releases from the OMHA, in a perplexing position. The other players had been pleased by the position taken by the MTHL, which was to observe their commitment to those players who had applied between June 29, 1981, and September 9, 1981, to join clubs within their structure. However, the players required releases from the Thornhill Minor Hockey Association, and they were advised that they would not be forthcoming, and, further, that the freedom-of-choice zone would not be enacted.

Also, the OMHA gave their opinion that all boys, whether carded or not, were under their jurisdiction. This information was most unacceptable to the parents of the players affected and to other concerned citizens as well. As a result, a committee was formed to seek ways of solving the problem, including seeking legal counsel. How ironic that the buffer zone, which was instigated to diminish the number of cases before the courts each year, should now have this problem.

A petition was drawn up seeking the support of the residents of the areas involved on the Labour Day weekend in inclement weather. Over 2,300 citizens signed the petition, indicating overwhelming support for the freedom-of-choice zone.

The petition has been presented to both the council of the town of Markham and the OHA, and yesterday was presented by Mr. Norman Bergstein and Mrs. Sylvia Jacobs to the Minister of Culture and Recreation. I am now passing this petition on to your committee as further evidence of the concern of this community with the OHA decision-making process.

This past Friday, September 18, 1981, the OMHA held a meeting with all concerned parties, with the exception of the MTHL. The Thornhill Minor Hockey Association and the Thornhill Islanders rejected the compromises put forward by the OMHA. The Thornhill Islanders, however, feel that the fact that the OMHA and themselves were able to meet and discuss these issues is an encouraging sign. All parties agree that the first concern must be the welfare of these boys in respect to hockey.

As of September 20, the OMHA has formed a committee of three to study the question of releases. It is important that a resolution to the concerns of the community be found before the hockey season starts, which is next week. It is unfortunate that it has become such a political issue but, should the OHA and the responsible bodies not be able to resolve these differences, I would hope that Ontario would consider establishing some guidelines so that such disputes would not be necessary.

I have four conclusions.

1. The OHA, OMHA, MTHL and affiliated associations do much to serve our young people. Their work is important and they meet a most valuable need.

2. When regulations of the OMHA cause hardship to hockey players--as with those in Thornhill, who thus far have not received releases from the OMHA to join the MTHL--special arrangements should be made by the OMHA to resolve the situation. It is unfortunate that young hockey players are caught in the middle of such a dispute.

3. If the OHA and its affiliated associations are not able to find a generally acceptable solution to boundaries and carding, the government of Ontario should, in my opinion, be prepared to look into the situation.

4. The carding system in use by the OMHA may be contravening the Ontario human rights legislation by limiting the right of choice of young people.

I respectfully submit these thoughts and considerations for your consideration in the hope that your committee can be apprised of what I feel is a very serious situation.

Mr. Robinson: I recall in Scarborough when the Scarborough Hockey Association opted out of the MTHL--it must be nearly 10 years ago now--there was a situation very similar to this. I recall it was most distasteful and most upsetting. I do not think it was ever very satisfactorily resolved. Hearing your comments brought back to mind some of those things from 10 years ago in my background.

Perhaps you can refresh my memory: Why is it that these leagues are so sanctimoniously protective of anybody who happens to be geographically in one area or another, particularly in a disputed zone? Why would it--I gather it is the more northern of the two associations--not be prepared under the circumstances to give those boys releases? Obviously they hired counsel and threatened the OHA with further proceedings unless they rescinded their decision.

Mr. Cousens: There might be a number of reasons that are part of their thinking. One is, I think the Markham and Thornhill groups are really anxious to put forward a strong team in competition. By having a larger number of young people available to their teams, their chance of victory is far greater.

It is not unlike what Scarborough would have gone through before. There is a sense of geographic identity which people want to maintain and a victory to go with that. Therefore, the boundaries become important to them and they say once you cross Steeles that becomes this area.

Mr. Robinson: That again twigs another chamber in my mind inasmuch as I recall sort of a city-state patriotic style of argument. As I understand it, there is no direct financial consideration one way or the other. It seems the organization--and I do not want to cast any aspersions on any organization, because I know they all work very hard in the interests of hockey, but it seems that kind of argument puts the need for patriotism ahead of the need of the individual players or the individual youngsters who, by preference, happen to be players. Is there any sort of financial connection through this, or is it strictly an emotional situation?

Mr. Cousens: I could not impute any motives on the part of any of the people involved that would have any financial connotations. I think the people are most generally concerned about the welfare of the children, and they want them to have the opportunity to gain the best hockey season they can. I would not say there are any financial motives involved.

Mr. Hodgson: There could be, though. Thornhill and Markham have been travelling as far as Orillia in the minor hockey leagues. It could be a hardship on the parents in hiring buses to get the team to Orillia, Barrie and all over the place. They could play in Metropolitan Toronto, and they are right next door.

Mr. Cousens: To that extent, there is a financial consideration, because the cost of shunting your team around can increase if you are in one area and not another. As for trying to do something for the children whose parents are trying to take advantage of a good league--that has a lot to do with it--and the travelling that--

Mr. Hodgson: The other problem is, when you have to travel as far as Orillia--and in the league I was connected with, I had a playoff grandson who played in that league--is schooling. If they leave at five o'clock at night to get to Orillia, they have no chance to get their homework done. They play a hockey game and get back home at two or three o'clock in the morning. If they are in Toronto in a Metro league, they don't have to leave until seven o'clock and they are home before midnight.

Mr. Robinson: Are the representatives of the leagues here with you today?

Mr. Cousens: Yes, they are. There are a number of people in the first row here who are from the Thornhill group. Some are those who signed the petition.

Mr. Robinson: Is there someone here from the OMHA to explain its position in this?

Mr. Cousens: I don't know.

2:20 p.m.

Mr. Robinson: What do you hope to have the committee accomplish on behalf of your people today?

Mr. Cousens: Alan, I guess the first thing is an educational process. I am not yet fully cognizant of all the ramifications your committee would have. When I talked to Reuben Baetz about this whole situation, he suggested this would be an ideal opportunity to raise the problem so that at least the procedural affairs committee would be aware of the sensitivities that are involved.

To me, it is an educational process. Whether or not your jurisdiction is able to impact some of these aspects is something I do not fully understand, because I do not have the parameters of your committee in front of me.

Mr. Robinson: Can you share with the committee whether you are optimistic that the situation will be resolved by next week?

Mr. Cousens: I genuinely hope, and so do the young people involved. Of the 90 young people involved, there are 20 who have a lawyer working for them now, and there are a number of others not identified because they are sort of holding back; it could number 35 to 40 young people involved who need releases signed.

We sincerely hope that something can happen. There has been good activity in the last several days between OMHA, the parents and MTHL; so there is a possibility of it.

I can tell you this much: It will be a very upsetting beginning to the year for those young people should there not be a happy solution to it. Even saying that now, I am still hoping a solution is there and that we get that out of the way, and that in the future we do not end up in this kind of dispute again. We have to play hockey rather than play the rules. I think there is a chance of a solution.

Mr. Robinson: Thank you.

Mr. Piché: Mr. Chairman, on a point of order: I wonder if I could explain to the committee--more for the record--why I have not been here. I am also a member of the administration of justice committee; that is where I have been. I am also the government whip on that particular committee. If you have not seen me around here, it is for that reason.

Mr. Mancini: We missed you.

Mr. Piché: I know you did, and I thought I should mention that.

Interjections.

Mr. Piché: The record should show that if I am not here,

I am here maybe in spirit although not in body because I am doing my job downstairs on the first floor.

Mr. Chairman: That means you just submit one expense account.

Mr. Piché: Oh, definitely; and none on this committee.

Mr. Mancini: Mr. Chairman, I have had a chance now to look over Mr. Cousens' brief which was presented to the committee this afternoon, and I am at a loss as to how this particular problem relates to the responsibility being undertaken by this committee to peruse the operations of the Hockey Ontario Development Committee.

I think I have understood the brief presented by Mr. Cousens, and I think I understand what our role as the procedural affairs committee is. If you or any other member of the committee could point out to me how we could possibly be of some assistance to this problem presented to us by Mr. Cousens, I surely would like to know. I also would like to know how it correlates with our discussions concerning the HODC.

Mr. Chairman: Mr. Cousens, of course, also mentioned in his remarks that the problem he raised may not be entirely under the purview of the Hockey Ontario Development Committee. However, I think one of the terms of reference of HODC is to improve the quality of minor amateur hockey in Ontario.

Looking specifically at one of the sections in the objectives under the terms of reference, it talks about the objectives of amateur hockey in the province of Ontario including the development of hockey skills, sportsmanlike behaviour, co-operation--there is a question of co-operation here--enjoyment and camaraderie. I think camaraderie is a point that has been raised by Mr. Cousens in his brief.

Mr. Mancini: Mr. Chairman, with all due respect--

Mr. Chairman: This is something, Mr. Mancini, that I was going to raise. There have been problems in my community regarding ticketing or qualifications or whatever you want to call them.

I can remember last winter where a team from my fair community travelled to a tournament in Toronto, played one game and clobbered some team from Toronto, and then were disqualified because they did not all have tickets or something. I was going to raise that with somebody.

Generally in our committee, in the last few days, I think we have been very general and broad in our discussions about the various topics that have been before us, particularly the Ontario Jockey Club. Why, we were from one end of this province to the other.

Mr. Mancini: That is correct. But that wouldn't necessarily--

Mr. Chairman: We even had the horses' names and their annual earnings and winnings, and ended up at Mohawk.

Anyway, I think the purpose of the committee is to deal with the subject in a very general way. Amateur hockey, of course, covers a great ambit of the activities of our young people in Ontario, and I just wonder if the development committee itself, as well as our committee, would not be interested in some of the problems that exist in the operation and organization and qualification of the teams and players in the sport and in the province.

Mr. Mancini: Mr. Chairman, I sat here all morning. I listened to the presentation and to the questions put to the people who were here representing the HODC, and I have read the briefing material that was prepared by our own researcher. Even if we stretched the whole thing as far as possible, I still cannot see, unless I missed something this morning, how we could ever hope to address the very serious problems that Don Cousens, MPP, has brought before this committee.

I see that he also has a delegation. I, as a member of this committee, do not want that delegation to leave this room thinking we are a body that is able and capable, under the rules by which we have been set up, to deal with this particular problem. I do not want these people going away, then wondering why we have not done anything to particularly zero in on the problems that have been brought to us today.

If there is anybody from the HODC who would wish to come forward and inform the committee as to how we jointly can be of assistance in the problems brought up this afternoon, then I would be prepared to hear that. But I think we have to be careful in the impression we leave with people who come before this committee and who come in to hear our deliberations.

Mr. Hodgson: Mr. Chairman, before Mr. Mancini came in here, Mr. Cousens made it very clear in his presentation that he was trying to do a public relations job and make as many people as possible aware of the problems that are out there. I think he has done a good job of it.

Mr. Mancini: I did not say he did not.

Mr. Hodgson: I know. But you thought that maybe he should not be making this presentation to this committee. You did not want to--

Mr. Mancini: Well, actually--

Mr. Hodgson: I do not think he has asked us to address ourselves to going to some body and say, "This is what you do." I say the same as you; there is nothing we can do about it. But it is a great thing to be informed and to know what is going on out there, as committee members.

Mr. Chairman: Mr. Davidson, I was wondering if you have any comments to make, whether you feel particularly that the

Hockey Ontario Development Committee is in a position to be able to resolve situations of this kind, either formally or informally, as a very informal arbitrator or referee or through some form of public relations.

2:30 p.m.

Mr. Davidson: Frankly, I really do not think so. When we were formed, as I told the people here this morning, there was considerable discussion as to what our parameters would be. Our responsibility was very clearly defined as development; the political area would still remain in the hands of the hockey bodies.

One of the fears that caused some of the problems that we now have, with some people not being members, was the very fact that they were worried about government interference. It was made very clear by the minister that HODC was in the development end of the business, and the administrative end of hockey would remain with the hockey bodies.

Although it is a grinding process, hockey bodies somehow or other generally resolve their difficulties. I know that right now, as you mentioned, sir, very much activity is going on; certainly OMHA is not leaving any grass growing under its feet to try to get these various appeals heard. So I expect this committee will be meeting very rapidly to go on with that.

Mr. Chairman: The OHA and the OMHA are created separate and apart from any government interference. They have their own constitutions, their own memberships, they arrange their own scheduling and, I was going to say, hiring--but not hiring; just engaging young people in playing in the ambit of their jurisdiction. That is all done in a very ad hoc way, separate and apart--

Mr. Davidson: One of the very proud positions that hockey bodies in Ontario have taken is that they accept government money to run various programs such as referee development, coaching development and so on, but the administration of the hockey programs has remained the responsibility of the hockey bodies; it is financed by membership fees, gates and so on. They don't take one dime of outside money for the administration of the program itself.

That was very important to them, that they keep their autonomy. There is one organization in the country which took government for everything and, as a result of that, became beholden to government decision. That was something the hockey bodies in Ontario did not want to get involved in.

Mr. Robinson: I am sorry Mr. Mancini just left the room, but in answer to some of his concerns, I think Mr. Cousens, as I understood his presentation, brought this before us today because we are dealing in a broad way with an agency that has something to do with the development or betterment of hockey as a sport in this province.

I can tell you, as I mentioned, as somebody who was intimately involved in a bitter dispute that went on in Scarborough 10 years ago and involved thousands of individuals, that this kind of thing is like violence in another way to the detriment of minor hockey in Ontario.

I know that Mr. Cousens, from his opening remarks, didn't say that he had come here today in order that we would resolve his problems. I am sure the people who came in support of him are very much aware that we are a review committee of the Legislature operating in review of other agencies at this time and not here as an adjudicating or arbitrating body. I would only say to him that, had I been in his position, I would have done exactly the same thing.

Mr. Breaugh: I don't sense that anybody is under the illusion that the committee has any jurisdiction over the matter that you have brought before us, but it is an interesting problem that occurs. Particularly with amateur athletics involving young children, one would not anticipate that you would get into this kind of ridiculous routine of saying, "Let's let a lawyer and go into court to resolve who can play for what team."

I am intrigued, though, by one of your conclusions: that the government of Ontario should be prepared to look into the situation. I want to give you the opportunity to elaborate somewhat on exactly what the government of Ontario might do that would improve the situation instead of louse it up even more.

Mr. Cousens: Good question. I don't have a full answer. I think Mr. Davidson has just made the point that the hockey associations generally have been able to work out their problems by themselves, notwithstanding the continuing aggravation of carding, which to me has implications beyond just signing up.

Once you are signed up, there is a long-term agreement between that child and the league. It really does tie that child into it which, as I say in point four, could impede his rights under the Human Rights Code. I am not sure. I am not a lawyer; so I can't say.

If the associations continue to have this kind of tension--and Alan is so right when he speaks of the agony that people have gone through and the anguish that has been caused by it; the hard feelings that are there now are really something to behold and not a pleasant thing for the community to go through--at that point, and it's just a top-of-the-head suggestion, maybe there could be someone who could come in as an arbiter to help those associations through the development corporation to say, "Hey, we have this resource available to you, should these things continue," so that it doesn't have to go to the courts and so that there can be some kind of method to solve it from within rather than from without. Maybe that could be the kind of thing the development corporation could start to suggest or make available to them.

I don't want to see laws made, and I don't like seeing regulations--I like it if people can iron it out--but at the

present time, just to elaborate, it is not going to be in time for the hockey season to begin. I have had a note delivered to me since one of the questions was asked, and Ed Grimshaw of the OMHA has stated today that it would be a minimum of two weeks before the issue will be decided by the special committee. There is still no certainty of the outcome; meanwhile, the season is under way and there are a number who are not able to participate legally.

Mr. Breaugh: I am sure you and many other members understand that every year, particularly at the beginning of the season and periodically through the course of the season, disputes of this nature arise. The approach that has been used so far is basically that a set of negotiations ensue to see if some kind of logical, rational solution can be brought about.

There always seems to be a solution of some kind, but it does seem a little nuts that an eight-year-old gets carded and therefore bears a legal obligation. You are not suggesting that the development committee takes on some kind of judicial role, are you? It would be suicidal for them to do that, I would think.

Mr. Cousens: If it were to have the ability to make an assignment of someone to assist--I am looking for solutions, because I don't have the perfect solution; I wish I did, because it's such a big problem--but there could be a way in which an agency, a group or even the OHA could consider that as a possibility from within its own organization. It could assign someone from among the association to arbitrate so that the OMHA and the MTHL wouldn't end up with something such as headlines in the Neighbours section of the Toronto Star as, "Minor hockey war may end up in court."

Mr. Breaugh: But they always do end up in court.

Mr. Cousens: That's the tragedy. I guess the problem I have is I wish we didn't have to employ lawyers as much. I don't want to knock the legal profession--

Interjections.

Mr. Breaugh: I want to pursue that just a bit more. Maybe the development committee would care to speak on their own on this matter, but I would think that, in their position, to assume an arbitration role of that kind would virtually destroy all the work they have put in so far to try to build bridges. Are you suggesting that somebody else, the Ombudsman or whoever, intervenes in this situation?

Mr. Cousens: I wouldn't suggest that our provincial Ombudsman should get involved, but something like an Ombudsman. Toronto East General Hospital has just assigned an ombudsman to help. Maybe there could be someone who has that ability to help work out and resolve. The unfortunate thing is that there is no use having an ombudsman if he can't really make a decision on it; so he has to have some power behind him. There is no use just having a nice guy there trying to work it out.

I appreciate your question. You are agonizing with me over

what the best solution would be, and I think it's going to take more than a legislator and ourselves to do it. But the problem is real; it's identified, and that's really 50 per cent of the problem. The other 50 per cent is to come up with the solution, and that is not something that is going to be simple.

Mr. Breaugh: What if the minister, theoretically responsible for culture, recreation and things like hockey, instead of sending a person like you and these people off to a committee which has no jurisdiction and won't report until probably some time later this fall--it may not have that report until some time later on in the spring--what if the minister, instead of shuffling people around, decided to intervene himself? Why doesn't he jump in? If it's such a nice pool to delve around in, why isn't he in it?

Mr. Cousens: I will leave that as a rhetorical question.

Mr. Breaugh: There's lots of rhetoric going around here. I keep asking you who is going to do it. We keep running through the list and you say, "Not this one and not that one." Why not the minister who is legally responsible for culture and recreation in the province? Why doesn't he arbitrate disputes of this nature?

Mr. Chairman: --be prepared to volunteer that an arbitrator be appointed.

Mr. Cousens: That could be.

2:40 p.m.

Mr. Chairman: There would have to be some change in legislation, I would think, before that arbitrator's decision would be mandatory. But he could help resolve, hopefully, instead of going to court where there would be that.

Mr. Breaugh: Mr. Chairman, there is a point I would like to pick up. A thing that I find is wrong in the system is, if a parent has a kid who wants to play hockey, it isn't sensible that that parent really has to gather up donations from the neighbourhood and hire a lawyer and go off to court to resolve this kind of a problem. It strikes me that is not a particularly rational way to proceed; it is somewhere short of that.

If we can set up an Ombudsman to deal with all kinds of problems in the world, and the Workmen's Compensation Board over there has all kinds of arbitrators, and the Ministry of Labour--not that their track record is that good but it has a whole team of arbitrators--surely, for some relatively socially different kind of problem like this, people should not have to hire lawyers and go to court to get a solution to a problem.

Mr. Cousens: Can I just make a comment? This is really where I come from as a businessman. I really do not like to see government interference. In fact, when you have a minister gaining extra powers, it is one of those things I find somewhat repugnant. I would much rather have the OHA build into its own constitution some way of self-policing and helping its own organizations to

resolve these difficulties in a way that would keep it out of other jurisdictions. That to me would be the ideal and has many benefits. So it stays within the family. The moment you start going outside of that family unit of the OHA is the moment you start really getting the blood pressures up.

Mr. Mancini: Isn't that what we are doing right now?

Mr. Cousens: We are indeed, and in fact what I see has happened is it has become a political issue because there are children involved. They are having to take legal action, or they may have to. As a person who is part of that community, I just have an awful lot of empathy, because the ones who are going to lose out are the kids. They are really the ones everyone wants to serve. Therefore, I do not think there is a lot of value in having more superstructure of regulations that can come down by different ministries. If people can control and police themselves, that is the best.

Maybe it will help if even that kind of intimation comes out of my presentation today, where the council is able to share the kind of dialogue we are having now and say: "You are getting people concerned and they are upset." If they react too much, then what happens? I don't know. But I am just saying our level of understanding of the problem has to increase so we will be able to come up with some solution to it. If they can resolve it themselves, that is best. It is not good to have a continuing saga.

Mr. Hodgson: Don, what are they going to court for? OHA has the power, or OMHA has the power, to see that it is being legally done. What are these parents going to court for?

Mr. Cousens: To get a release; primarily to get a release for their children from the OMHA so they can play in MTHL. They are going to try to prove--

Mr. Hodgson: They are going to court on the ruling that the OHA made, saying that they should be released; and the OMHA, which is a child of the OHA, says they cannot do it?

Interjection.

Mr. Hodgson: It is. It was formed for minor hockey through the OHA.

Mr. Davidson: There are a couple of inaccuracies there, sir. The OMHA was formed probably 60 years after the OHA, but it was a separate organization which entered into an agreement with the OHA to be responsible to operate minor hockey in the OHA's jurisdiction. The MTHL grew up and became a separate body, but they have the same kind of an agreement.

The issue here is not releases. It is a residence rule. They have a line they draw. No matter where you draw the line, somebody is going to be 100 feet over it, or 1,000 feet or 40 miles over it, and it will never end. We have other communities exactly like Thornhill--Waterloo and Kitchener, for instance. They have a street that runs between Waterloo and Kitchener, and they never

have an argument over where a kid will play. If he lives on that side of the street, he plays in Waterloo. If he lives on this side, he plays in Kitchener.

Mr. Cousens: Just to elaborate on it: The buffer zone was established to stop the court cases, to sort of have this kind of arrangement. Then, as you can see in my presentation, it had been agreed to and now the decision has been reversed. That really was supposed to solve the problem, and now it continues to be the problem.

Mr. Breaugh: Let me see if I can summarize what you have said so far this afternoon. You are not happy with the idea that they hire lawyers and go to court. You do not want the government to intervene through the ministry. You do not want any other agency to be set up to deal with the problem. So why are you here?

Mr. Cousens: Through the commission that is operational, there could be some way in which the problem is shared and some initiative taken to resolve it from within. I do not have the jurisdiction through the ground level, but I have through you, and maybe there are ways in which there can be an education that goes on so people understand better what the problem is, and then there can be some pressure or urgency to resolve it.

Mr. Breaugh: I think I am beginning to understand why the OHA did not show up this afternoon.

Mr. Davidson: No. In fairness, let me tell you why they did not. They were going to make a presentation and we suggested, since they are members of HODC, that I and my executive secretary should be the ones to make the presentation. They did not know this was going to happen, I do not think.

Mr. Charlton: Perhaps this whole issue goes back to something you said this morning when we were discussing why MTHL had not joined HODC, this fear of political intervention. And perhaps the most useful role we can play, that the minister can play and that individual members can play, is the very threat of political intervention if the parties do not get this kind of problem sorted out just as quickly as possible.

Mr. Davidson: You do not know hockey executives very well.

But, seriously, there is an appeal process in the OHA which does not take very long to implement. Once the people who are appealing lose the appeal and they are told the facts of life as hockey people understand them, if they will accept that decision, then there will not be any court cases. But they do not accept it; they go on because they think they can get relief further on.

Mr. Chairman: Will that appeal be dispensed with pretty well before the hockey season gets under way?

Mr. Davidson: I was just told he had a note that said Ed Grimshaw said that committee could not meet. I talked to a member

last night who said he had hopes they would be meeting this weekend.

Mr. Chairman: What happened with the MTHL? Did they just sort of acquiesce to OMHA's decision; is that it?

Mr. Cousens: They pretty well accepted the entry of the Islanders into the MTHL. Maybe you can best explain it, Lloyd.

Mr. Davidson: Yes, they did. But, technically, they did not have the authority, because there is a line between the two organizations which has been in place for years. I suppose, like Topsy, they would like to grow. Frankly, we have a problem up north. But let us say that Brockville decided they wanted to enter the Ottawa district; I am sure the OHA would not be very happy with that. Maybe I picked a town that is in OHA; so let us say that Haileybury decided they wanted to come into the OHA. I am sure ODHA would not be very happy about that; they have lines and they live by them.

Mr. Cousens: But the buffer zone has been instituted for 10 years.

Mr. Davidson: No, it has not.

Mr. Cousens: How long has it been instituted?

Mr. Davidson: There has been no buffer zone.

Mr. Cousens: Between the MTHL and the OMHA?

Mr. Davidson: Steeles Avenue has been the boundary since 1971.

Mr. Cousens: There has not been a buffer zone?

Mr. Davison: No. In fact, it was not discussed when the two organizations were discussing the two agreements. A buffer zone was not discussed. It was sprung on the OHA at that June 29 meeting; frankly, a good selling job was done and they bought it, not realizing that conditions within the agreement did not allow them to make that kind of decision, which they since have realized and have had to back off, once again living within the political structure of hockey.

Mr. Hodgson: The OHA used to have buffer zones for junior hockey. Maybe they do not have them now, but I know I had a son who played in Dixie; he was up in King township, and they established special rules before he could play.

Mr. Davidson: They had some special rules (inaudible) I understand certainly not in minor hockey. There are two philosophies in minor hockey, really. The OMHA has a philosophy of kids playing in the community where they live. The MTHL has a philosophy, perhaps because they are a big city, that anywhere within Metro is the community within which they live; so kids can travel 35 miles and still be inside the same community and play anywhere they want. But in a community the size of Dresden, once

they get a couple of miles out of town, if they have 1,000 population and an artificial rink, they must play in that community.

2:50 p.m.

Mr. Chairman: Who has Wayne Gretzky? Is that OMHA or the north?

Mr. Davidson: That was a case where he wanted to move in for hockey purposes. We frown on moves for hockey purposes only. The OMHA rules did not allow him to move to Toronto, because he was coming strictly to play hockey. The courts in this case agreed with us; so instead of him playing bantam--and it was probably the best thing that ever happened to him--he was allowed to play OHA junior as a bantam. That began his trip to the heights.

I heard a comment he made that we really don't look after the elite player very well in this province. Frankly, I thought it turned out very well for him just by the fact that the rule was implemented preventing him playing bantam in Toronto. There was another kid who came in with him at the same time--I have forgotten who--but he sure didn't amount to what Gretzky did.

I guess the responsibilities of all the people involved in hockey are for the masses, not the exception, and that is the way we legislate: for the masses rather than for the exceptional.

Mr. Chairman: There seems to be a problem, a constant problem, with the whole practice of carding, doesn't there?

Mr. Davidson: Carding really only gives you a list of the players on a particular hockey team, and from then you can establish whether they are eligible or not; it tells things like the address and so on. But much too much emphasis is put on cards.

Back in the old days of pro sponsorship of junior teams there was a lot of connotation that if you ever started playing hockey in Sarnia then you were going to end up on the Black Hawks. But in an organization with 1,200 kids all of them did not end up on the Black Hawks and weren't the property of the Black Hawks. Those things have been gone for years now. There is no pro sponsorship of minor organizations any more.

Mr. Chairman: It is too bad it changed. That is probably what happened to the Maple Leafs.

Mr. Breaugh: If they get any worse, they will have to join the MTHL.

Mr. Chairman: Have you anything further to add, Don?

Mr. Cousens: No. I thank you very much for your time and your consideration. I know we have a problem, and I would just like to see a solution somewhere. I know our community is genuinely concerned, and we are split on the thing; I find it agonizing even to be here to present it. My major concern is your concern, the kids, and I just hope that a solution is found; and

if it isn't, that pressure can be brought so that we--

Mr. Mancini: Who are you looking towards to find the solutions?

Mr. Cousens: I think just by being here and discussing it and becoming better educated, then--

Mr. Mancini: I don't think that is entirely correct, because I don't know how just by you being here and informing us of this particular problem that we are going to be of any assistance.

Mr. Chairman: I think the fact that it is even on the record, that it has been aired and discussed, is helpful.

Mr. Mancini: To whom and how, Mr. Chairman?

Mr. Chairman: I think there may be a decision now that--

Mr. Mancini: Are we going to take the record--

Mr. Chairman: No. But, as Mr. Davidson has pointed out, they have certain procedures. There is an appeal procedure; that should be dealt with. There should be an appeal. There are always two sides to an argument, but I think at some stage the people who aren't happy with the final decision have to accept the final decision and move from there.

There is another hockey season, I am sure, after this one. You may have to start a little earlier. Maybe if you start now to resolve this problem, in the 1982-83 hockey season you may get the type of decision you want. But, from reading your notes, I think one of the reasons for the reversal was the fact that it was so late.

If you can get this decided by way of an appeal, and everybody has had a chance to air their feelings and grievances, for the sake of the kids a decision should be made as soon as possible so that they can be playing hockey this year. Then you can continue to work on some change, if you wish, for next year within the authority of the hockey organization.

There is no reason, Mr. Mancini, that in our deliberations when we consider the report of this committee, or all these items that appeared before us, we can make a comment one way or another, whether it is a side comment or part of our report, in respect to Mr. Cousens' petition today.

Mr. Mancini: I would just recommend that we send the transcripts to the Minister of Culture and Recreation.

Mr. Chairman: That is something we can decide. Any further questions by any member of the committee? Thank you for appearing, Donald. We appreciate your information.

Is there anything else we should discuss for the good of the Progressive Conservative Party this afternoon?

Mr. Mancini: We could discuss about an hour's worth of information for the good of the Progressive Conservative Party.

Mr. Chairman: If not, this meeting is adjourned and we will convene again tomorrow morning at 10 o'clock.

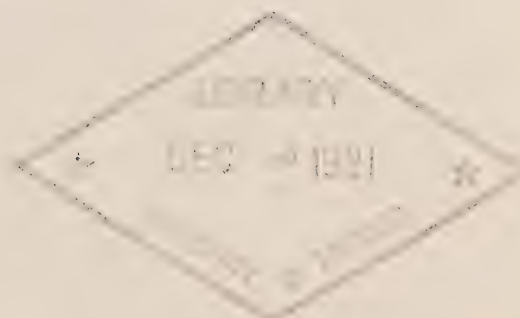
The committee adjourned at 2:58 p.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

AGENCY REVIEW

THURSDAY, SEPTEMBER 24, 1981



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

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Charlton, B. A. (Hamilton Mountain NDP)
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Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Piché, R. L. (Cochrane North PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Watson, A. N. (Chatham-Kent PC)

Clerk pro tem: Arnott, D.

Research Officer: Eichmanis, J.

Witnesses:

From the Ontario Place Corporation:
Cooper, W. P., Chairman
Longhurst, B. H., General Manager

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, September 24, 1981

The committee met at 10:14 a.m. in room No. 228.

AGENCY REVIEW
(continued)

Mr. Chairman: Gentlemen, I see a quorum. This morning we have Mr. Cooper, who is chairman of Ontario Place Corporation, and Bruce Longhurst, who is the general manager. I assume, Mr. Cooper, that Nancy Hoult will be along a little later. Is that possible?

Mr. Cooper: She will not.

Mr. Chairman: She is not able to attend?

Mr. Cooper: No.

Mr. Chairman: I'm sure we will get all the information we require from you and Mr. Longhurst.

I guess you have some idea of why you are appearing before the committee this morning. It is part of the mandate of this standing committee to look into the various agencies and tribunals, corporations of the government, to find out how you are functioning and what changes should be made, if any, in respect to your legislation or the regulations under which you operate, to get some idea of what your plans are and a general picture of Ontario Place.

Possibly you would like to start by giving us some background information, a short history of Ontario Place. Out of that, I'm sure questions will arise from committee members.

Mr. Cooper: That is fine. Thank you, Mr. Chairman.

Very briefly--I am sure most of you are aware of some of the history of Ontario Place--the concept for the facility evolved after Expo '67 in Montreal. The Ontario government felt that a waterfront facility in Toronto, somewhat along the lines of a pavilion in Montreal, would be desirable. This facility was to provide entertainment and recreation on the waterfront.

It involved landfill to the shore of Lake Ontario in front of the CNE, approximately 53 acres of landfill to balance inland waters. The site encompasses approximately 96 acres in total. It opened in 1971 with five pods, the Forum for entertainment, the marina, and a portion of the Children's Village. Since that time a number of additional facilities and attractions have been added, such as the water play area in the Children's Village, the water slide on the east island, the skating rink on the west island, and the Ontario North Now pavilion on the west island which was opened in August 1980.

We have seen continuing growth in respect to attractions. We have also seen continuing growth from the mid-1970s to the latter 1970s in respect to attendance. The high was reached in 1979, with approximately 3.4 million visitors. In 1980, it dropped slightly to 3.1 million visitors. Our records indicate that this year our attendance will be just over the three-million mark.

We are continuing to monitor the popularity of the attractions, the entertainment we are enjoying, and to review the various facilities as to their appropriateness. We are taking into consideration in our deliberations the customer, if you want to call him that. We are looking over the next few years. We are concerned about the demographics. Obviously, some of the participatory attractions we have now may have to be toned down slightly. Obviously, the visitor is going to be somewhat older in years to come.

I think the one thing we have found over the past four or five years is that it has been a tremendous attraction for the family. We have attempted to orientate the facilities for family recreation and entertainment. We are at the stage now where the capacity of the present facility, in handling about three million to 3.2 million visitors a year, is levelling off. We do feel we have some land area available to us in our present facilities to add some attractions, but we are going to have to be very careful as to how we handle that so that we don't increase any crowd control problems we now have.

That is briefly where we are at this point, Mr. Chairman, as a little bit of a background.

Mr. Chairman: As you know, Mr. Cooper, there has always been some discussion and questions regarding the capital expenditure of Ontario Place over the years. It started out to cost approximately \$28 million or \$30 million, and now the total investment is something over \$53 million. I would assume this was necessary to maintain public interest and attract crowds. Do you feel the capital expenditure during these years has resulted in the type of reception and popularity that you, as president, envisage?

Mr. Cooper: Yes, I do. First, the capital expenditures, of course, have been spent on many of the items I discussed. Capital expenditures have been dealt with by the board in some detail. We attempt to look at the expenditures in a businesslike way in an effort to judge the cost-benefit aspect of expenditures.

But there are certain things for which we receive very little benefit for the expenditure. For example, after the very bad storm in March 1977, it cost us about \$500,000 to repair the shoreline. These are ongoing things that are not visible, but they are absolutely necessary. So there are large expenditures from time to time, but they are carefully scrutinized and we are satisfied that the funds are wisely spent.

10:20 a.m.

Mr. Watson: One of the things I have heard a lot of

discussion about in the press this past summer is Canada's Wonderland. Has that been good for you or bad for you? Do you have some philosophy about it? Does it bring families to the Toronto area who then visit both places? Have you done any polling? It has just been a point of discussion, particularly with the CNE. It obviously must be a concern to you.

Mr. Cooper: Yes. Last year, when we were putting together attendance projections et cetera for this past season, it was a concern because it was an unknown. We did not know what kind of an attraction a theme park such as Canada's Wonderland would be. However, we viewed Canada's Wonderland, and continue to do so, as a complementary attraction, as opposed to one that is opposite to our type of attraction. We are different parks; theirs is a theme park, a destination park. I am certainly not one who is deeply involved in the business but, as I understand it, the definition of a theme park is one whereby people will leave home to go to Canada's Wonderland or wherever; it is a day's outing or two days' outing. The attractions there are very much different from what we offer. There are rides, roller coasters, ferris wheels and that sort of thing. We do not have those kind of midway attractions; we have more of a recreational entertainment aspect than they do at Canada's Wonderland.

After our first season, it is hard to judge just how much falloff we were able to gain from people who were coming to Canada's Wonderland. My own instinct would be that we had some, because people may have come to the Toronto area for a couple of days and taken in the CN Tower, Ontario Place and Canada's Wonderland.

What we have found is that our attendance projection for this year of just over three million people has been achieved; so we don't think it has seriously affected us. We believe that our opinion, that it is a complementary attraction as opposed to one that would be different from our type of facility, has proven to be accurate. As I understand it, their season was not all that successful, or as successful as they had originally contemplated.

Mr. Hodgson: It has been more successful than they had originally contemplated.

Mr. Cooper: I understood--

Mr. Hodgson: That is coming from the head man, anyway. They never expected to have as many people attend in the first year of operation as they had this year. There were slightly over two million in a very short season.

Mr. Cooper: I understood that their attendance target was approximately 2.5 million.

Mr. Hodgson: I have talked to the people at Canada's Wonderland, and they feel that the first year has been an exceptional year for a very short year. They didn't get started until June, and they really only had three months' attendance.

Mr. Epp: If I may just have a supplementary here, how do

you make your projections? I am always interested. You say you projected a little over three million. On what basis do you project that? On what you had last year, or on the amount of money you are going to spend on advertising when you know it is so much?

Mr. Cooper: It is not scientific; let me put it that way. Some of it is gut feel. For instance, in the summer of 1980, from the end of May through June, every weekend it rained. We had a pretty good July and a pretty good August, and our attendance was about 3.1 million. For 1981, we sat down and we thought, "The probability of getting five bad weekends from the end of May to July 1 is pretty low. If we were to use that 3.1 as a basis, let us just work from that number."

We had two concerns. The first was, what impact might the CNE have on us? Obviously in 1980 the attendance there was down, and we were concerned by that. What we did was to reduce our attendance during that period, hold our own during the non-CNE period and deal with that as a benchmark.

The second ingredient in the equation was the impact that Canada's Wonderland might have on us. And that really was an unknown.

We felt that if we were able in large measure to hold our own, decrease our attendance by three or four per cent in terms of a projection for the CNE, that unknown, that is how we arrived at the figure of just over three million.

It's tough, because the site is so weather-sensitive that you can guess at, say, 3,050,000 and you might end up at 2,090,000. You just don't know.

The other thing we had to deal with, which was a bit of an unknown, is just what kind of impact a price increase might have had.

Mr. Epp: I want to ask about that a little later, but that's not part of my supplementary; so, Mr. Chairman, maybe you could put me on the list to get to that a little later.

Mr. Watson: How do you count during the CNE?

Mr. Cooper: Can I ask Mr. Longhurst to answer that question?

Mr. Watson: The gates are open, are they not?

Mr. Cooper: Yes.

Mr. Watson: I assume that not everybody who goes into the CNE is counted as a visitor to Ontario Place.

Mr. Cooper: No.

Mr. Longhurst: What we have done is to do samples just to get a percentage of what average is crossing each way on the bridge and then take the percentage of the total attendance.

Mr. Watson: It doesn't bother me. I think it should be open during the time of the CNE. All I'm saying is that you come up with this attendance figure, and I say to myself, "There are no turnstiles clicking during the CNE; so how do you know how many people there are?"

Mr. Longhurst: We have used turnstiles and we have used individual counters to count the flow back and forth across the bridges. Then we take the percentage of their announced attendance because, needless to say, we have only two gates open in our part during the CNE and they have something like 14; so we have to go with their figures.

Mr. Watson: Do you know offhand what percentage of the people who go to the CNE go to Ontario Place at that time?

Mr. Longhurst: About 40 per cent.

Mr. Watson: Is that right? So if within your figure you are using 40 per cent of their attendance as visiting Ontario Place, I would think it would be a tremendous concern in your projections.

Mr. Longhurst: Very much so.

Mr. Cooper: What we have found historically is that 35 per cent to 40 per cent of our attendance occurs during the three-week CNE period.

Mr. Watson: I didn't necessarily want to pursue Canada's Wonderland, but you mentioned the CN Tower. Do you have systems of promoting tours based on selling tickets at a reduced rate if it's a package for, I suppose, the CN Tower, Ontario Place, Canada's Wonderland and those kinds of things? Are you a participant in any package rates of any kind?

Mr. Longhurst: We're looking at that right now, and the three groupings that are involved with it are the CN Tower, Canada's Wonderland and ourselves.

It was a little difficult to predict what Canada's Wonderland was going to do the first year. Number one, most of their marketing was thrust into the Toronto market; so they weren't going to bring that many people from out of town.

But we have been speaking with the management of the park and the tower, and at least on paper we have a proposal that we would combine on an advertising thrust in remote markets and promote the three attractions together.

The pricing becomes a composite ticket, if you will. It becomes a little bit more difficult when you consider the price differential, particularly when you are gearing towards families. We have a 50-cent child's price, and Canada's Wonderland is selling a \$17.95 ticket--that type of thing.

So that still has to be worked out. But yes, we are looking at a destination-area advertising campaign. There are a lot of

advantages we could utilize in that sort of marketing program. So it is on the boards, and it probably will be implemented by the 1982 season.

10:30 a.m.

Mr. Watson: You expect that their passport, or whatever they call it, for the theme park will be good at Ontario Place and at the CN Tower? Is that what is envisaged?

Mr. Longhurst: It's a possibility, yes, as long as we can share.

Mr. Watson: As long as you can share?

Mr. Longhurst: Proportionately. Definitely. We really are investigating it. It has been a number one priority now. In the case of Canada's Wonderland and ourselves we are just gearing down from the end of the season; so we are going to take a look at our statistics and analyse them. But particularly for areas like the Montreal market, the Buffalo market and the Detroit market it's a very real requirement.

We already do a lot of co-operative advertising with the CN Tower, particularly in tourist magazines, where we take one page of advertising and advertise the two top attractions in Toronto. But this has been going on for three years now; so we are in there. We do provide our hosting staff and their guides with information on each other's parks; so that does go on.

In the case of Canada's Wonderland, this year we worked out a system whereby their people came down and took a look at our park and our hostesses went up and took a look at their park so that, if a tourist did come into Ontario Place and asked what else there is around town, we hoped that these ladies could answer that sort of question.

Mr. Watson: On your rate structure here, do you have, say, like the provincial parks, a season pass? Or is that part of your rate structure?

Mr. Longhurst: No, we don't. We used to have it, and we found that, first, the cost of maintaining it was in excess of the revenue generated and, second, most of the season passes were being used as mini-season subscriptions to the Toronto Symphony Orchestra and the National Ballet rather than totally throughout the park.

Mr. Cooper: What we were finding as well was that there just wasn't enough demand for them to really warrant their continuance.

Mr. Watson: One of the things I am interested in--and you may not want to cover it now; I leave it to your judgement--is, what do you see as the changes that need to be undertaken as a corporate structure? I am not thinking so much as to whether you are going to have another water slide, but do you have structural changes that have given you problems in being in

the inner workings of this? If something else were done, are there any changes in legislation that are required, or policy development, that you see Ontario Place needs? Maybe I'll ask it differently: Are you able to operate within your terms of reference without any concern or difficulty?

Mr. Cooper: I would say generally speaking, yes. There are a large number of policy matters with which the board deals in respect to day-to-day operations, and I think the aspect that makes it work is the kind of individual relationship that you have with the deputy and the minister, what kind of lines of communication are open and available to us. At this time we have a very good relationship. We chat informally about things, formally about things. I think the structure works well. I have no quarrel with the inner workings, if that is what you are referring to.

Mr. Watson: How extensive is the time requirement for board activity?

Mr. Cooper: We generally have one meeting a month, with the exception of July and August. The executive committee will meet on a regular basis. There are other committees, or task forces--I don't like standing committees, because they just tend to perpetuate themselves; we will have task forces to deal with specific matters that require some investigation.

Mr. Watson: Such as?

Mr. Cooper: For instance, we had a committee dealing with a long-range plan. We would strike a small committee of a couple of people to take a look, together with staff, at additional attractions and those kinds of things. We don't want to involve a 12-man board in looking at a new attraction; two or three people can take a look at those kinds of things.

Mr. Watson: Some boards say, "If we had more scope, we'd do something." You don't see that as a problem with what your board now envisages as what Ontario Place should be? You are not looking at building three more islands or that kind of thing?

Mr. Cooper: Not in the near future, no. We believe that down the road the facility will continue to provide an excellent recreation area and entertainment source.

One of the difficulties over the past few years has been the weather sensitivity in respect to entertainment, for instance. During our long-range planning discussions we chatted about whether an indoor theatre would be appropriate. We have moved into a winter season, for instance, over the past few years. Would we be able to lengthen the summer entertainment season?

Obviously there are areas on the site that could be used in October, but the evening is difficult to program. Staffing is difficult in September and October when school returns.

We think that expansion will occur. It's a few years away, in my opinion, because there are still areas on the site that can be developed and areas that could be put to better use. We're

taking a look at certain attractions on the site, what kind of use they are getting at this point and whether there are better things we can use with that and do with that land area.

One of the things we are looking at, because this seems to be a reasonably successful approach that the theme parks have, is trying to get people to stay on the site longer. We find from our statistics that a visit averages--correct me if I'm wrong, Bruce--on the order of three or four hours, whereas at a theme park it's on the order of eight hours. Mind you, I guess if I were spending \$17 or \$18 I would want to stay for eight hours, too.

Notwithstanding that, it does affect concession business, restaurant business, boutique business, et cetera. All these things are affected by the length of stay.

Mr. Watson: Are all of those businesses at Ontario Place leased, or do you run them? How do you operate those?

Mr. Longhurst: Both. It's a combination. The attractions are all our own with the exception of the boat tours. The restaurants go from concession to management fee basis to wholly owned and operated by the corporation. There's a mix in there.

Mr. Watson: Are they both successful, or do you have a preference as to which you like?

Mr. Longhurst: They're all successful within their own right. It's like comparing apples and oranges. I guess I can use one of the newer examples, whereby we put a tea room in, because one of the complaints we had was from senior citizens who just wanted to sit down during the day. They really didn't want to go into a regular restaurant; they just wanted to have their pot of tea.

I guess if you took a look at it from a business standpoint there's not that much money to be made in tea rooms. There have been quite a few that have gone belly up, so to speak. So we went to somebody who was in the business, like Red Rose, and asked if they were interested in subsidizing it. Because of the subsidization, or sponsorship, of the tea room by Red Rose, it is a very profitable venture. All it sells is scones and tea.

10:40 a.m.

At the Wharf, which is another one we operate, since it is in a children's area and some parents do not like the fast-food operations, or fast food period, we purposely set up a restaurant that does not serve what is commonly termed fast food. It is not hotdogs, it is not hamburgers, it is not french fries, it is not pizza. There are sandwiches, fruit, fruit juices and ice cream--that sort of thing. It is a profitable venture within its own right, but even more so when you consider that the high-markup items such as hotdogs and hamburgers are not included.

To get back to what I said, every one of them serves a purpose, and what we try to do is fit the pieces together to come up with a composite package.

Mr. McLean: You have a deficit that has been there since day one. Do you plan on turning that deficit into a profit, and how long do you expect it will take you to do it?

That is one question. The second one I have is the affiliation with the CNE. It seems to me, in relation to what you charge to get in, that you mentioned a three-hour minimum stay; if you go to a show for an hour and a half, it is \$4.75, but you charge \$5 for three hours. I often wonder whether your fee structure is kept in line with the economy and with people's wages, which have gone up. I would like you to answer those two.

Mr. Cooper: On the financial side, I suppose the optimum would be to be able to pay your own way in every respect. This is something we have wrestled with for a number of years as to what our capabilities are in this regard. One of the facts is that Management Board deals with admission price increases. We can recommend policy in this regard, but it may not necessarily be approved. We do not always have the complete control over setting prices.

Our discussion is based with the ministry over the past few years. If we were able to set our own prices completely, sure, we could probably break even, at least on an operating basis. We have moved far closer to that objective this year. For instance, our grant this year as opposed to last: I think last year was \$1,700,000, capital and operating; this year it will be closer to \$1 million, capital and operating, by virtue of the assistance of a price increase this past spring.

Ideally, we would like to at least move forward to a breakeven operating position. But I guess what you have to deal with, and I think this is what everyone is sensitive to, is how does the commercial thrust and the noncommercial aspect of the facility balance? It affects a number of things.

For instance, we program Toronto Symphony, the National Ballet, the Hamilton Philharmonic and other cultural-type programs. They do not draw the kinds of crowds that a pop entertainer might, who could put 12,000 or 14,000 people in the Forum. For TSO in an evening you may get 6,000, 8,000 or 10,000, depending on the program.

If we were to sacrifice some of the cultural programming, we could probably improve attendance, which would assist our revenues. But we do not think that is our mandate. We happen to think we have a very good mix of popular entertainment and cultural-type entertainment. So it goes down the line.

We are moving closer to an operating breakeven position, and I think a couple of years out, I do not know if we will be there, but we are moving closer.

Mr. McLean: If a private enterprise owned it, they would make a profit or they would not be there. How would you propose to change it to make a profit?

Mr. Cooper: I guess the first thing I would do would be

to raise the price to \$6 or \$7 and get double the price of admission. You might alter entertainment. You could perhaps charge for the movie. You possibly could charge for the Forum. There are a number of attractions on the site, such as the Imax film and the Forum, for which there is no charge; they are covered with the price of admission.

I think you would have to look at your pricing structure for admission very carefully, and you would have to take a look at your pricing structure for parking and the attractions.

Mr. McLean: That is my second question. How would you do that?

Mr. Cooper: How would we change it? We would be speculating in this particular instance, because it is not something we are really confronted with, but I guess we would have to make a judgement as to what we feel would be an appropriate price; and the only way you find out is to test the market, and you do that during the course of the season.

Mr. McLean: I just had one other question. Where are your board of directors made up from, mainly? I do not see any names or anybody that is on the board.

Mr. Cooper: Yes, we have an 11-man board plus the deputy minister. I am from Burlington; my business is in Hamilton.

Mr. Robinson: We'll forgive you on that one.

Mr. Cooper: We add a lot of dimension to the organization. We have a member from London. We have a new member from Dryden, in northern Ontario, and one from St. Catharines. The balance would be Toronto-orientated. We had a member, who retired just a year ago, who was from eastern Ontario; we are hoping we will be able to replace that particular member next year when we have a turnover on one of the board positions. We try to keep the individuals from various areas of the province as representatives to the board.

Mr. McLean: Would you see any justification for charging a separate fee when the CNE is on?

Mr. Longhurst: Between the two parks?

Mr. McLean: Right.

Mr. Longhurst: The biggest problem with Ontario Place and the CNE is one of location, in that over 65 per cent of our patrons arrive by public transit; the way the transit lines are set up right now by the TTC in Toronto there is no access to the site at all during the CNE, with the exception of one bus line that runs from Union Station.

The park itself has approximately 1,100-car parking available to it; so whoever does not fit into the 1,100-car parking--you figure 2.3 people per car, and you are talking maybe 2,300 people--whatever that one bus route can drop off at our door

is the theoretical limit that anybody can even get to the park without walking completely around Exhibition Place.

Mr. Rotenberg: Is there a bus to that footbridge?

Mr. Longhurst: One bus to the bridge. But most of our people come down in the Bathurst Street streetcar and the one on the other side, Dufferin Gate area.

At one point in time we were not the same park during the CNE and, strictly from a logistic standpoint, people could not get to the park. When you consider the fact that some of the parking would be used by CNE patrons or exhibitors anyway, you are really cutting off your market. Until there is either a new transit system or a restructuring of the old, or some sort of a redevelopment of the site that provides meaningful access to our bridges, we really are islands.

Mr. McLean: But if you owned that privately, you would have a setup that you would have to pay to get in. You just walk across the bridge now, but you still have a turnstile that you have to go through.

Mr. Longhurst: It is a possibility. The main thing is you have to get the people there to pay first. I think the fact that the province considers the park to be a "provincial exhibit area" as one of its mandates, and it belongs with the CNE during the CNE period, it is really not management nor the board's decision that has been imposed on us.

If you are getting at the point--and I am not trying to put words in your mouth--as to whether that is not a potential source of revenue or of balancing the budget, so to speak, yes. Unfortunately, I think the CNE has fallen on hard times the last little while and from a management standpoint, and I believe from a board standpoint, we would like to renegotiate the agreement with the CNE, particularly once they get on their feet. If you are talking 40 per cent of your attendance, it is a potential source of revenue.

10:50 a.m.

Mr. Watson: What agreement do you have with the CNE?

Mr. Longhurst: We split the gross gate exclusive of anything that goes on in Exhibition Stadium--that is, baseball, soccer, football and/or the grandstand shows--on a 90-10 basis. They get 90 per cent of the gross and we get 10 per cent.

Mr. Robinson: On the same point, wasn't part of the reason for building Ontario Place originally to replace what was becoming a derelict provincial exhibit within the Ex itself?

Mr. Longhurst: Yes.

Mr. Robinson: I am sure I am correct in guessing that at that time the CNE did not give you 10 per cent of the revenue when we were merely a major exhibitor within the complex.

Mr. Longhurst: That's right; you rented space.

Mr. Robinson: So it started out to replace one attraction within the CNE with one that was geographically located modestly outside of the grounds themselves. Would that be the basis for that agreement initially?

Mr. Longhurst: That's where it started off.

Mr. Robinson: It simply carried on that way, and to this point at least it hasn't been a reason for you to try to turn that into a profit-making situation.

Mr. Longhurst: To give everybody their due--and going back in history, because I was not there--when Ontario Place got started, the CNE was the big park and we needed the CNE for a lot of reasons. Ontario Place is now either, say, an equal partner or slightly ahead, whichever way you want to look at it.

We are finding, for example, during the CNE, in spite of their attendance dropping, that we are drawing a bigger percentage of the gates; so Ontario Place in itself is a draw and not within a competitive vein, because we basically low-key a lot of our entertainment during that period so we do not compete with the grandstand shows et cetera.

Mr. Rotenberg: On the transportation, have you tried any arrangement with the CNE on that little internal train you run, one of those trains that runs past the bridge, so that you can get many more people in the CNE to go over to Ontario Place? Have you ever tried to negotiate that type of thing with them?

Mr. Longhurst: We have not tried to negotiate the train travel, but the problem is that there are just too many people to get the train through and you are lucky to make one complete circuit of that train in an hour. We have the same problem on our side. It doesn't handle a lot of people.

Mr. Rotenberg: There is just the Dufferin bus that comes down to the bridge?

Mr. Longhurst: It's the one from Union Station.

Mr. Rotenberg: I guess it's all the out-of-town and commuter buses that come into that bus terminal which is south of the grandstand.

Mr. Longhurst: Yes.

Mr. Rotenberg: Which is pretty close to you as well; so that a lot of the out-of-town people have close access to you, whereas the in-town people don't.

Mr. Longhurst: But they drop off right at the gate. In other words, you think of where you drop them off.

Mr. Rotenberg: Don't they bring them right into that parking lot at the foot of your west bridge?

Mr. Longhurst: You are talking charter business, but that is a prepaid ticket. In other words, they already have their ticket when they get through the gate.

Mr. Rotenberg: The point is that they are close to Ontario Place.

Mr. Longhurst: Yes.

Mr. Rotenberg: Don't the flag buses drop down there too?

Mr. Longhurst: No, not in our grounds and not on our side.

Mr. Rotenberg: Not on your side, but on the other side of that bridge?

Mr. Longhurst: They are all prepaid tickets again. In other words, the CNE has sold a ticket to the persons before they come in the grounds.

Mr. Rotenberg: What I am saying is that the bus that brings those people in comes very close to the entrance to Ontario Place.

Mr. Longhurst: But they are already in the CNE at that point. They have paid an admission to the CNE.

Mr. Rotenberg: Right. But it's free access back and forth.

Mr. Longhurst: Oh, yes.

Mr. Rotenberg: What I am saying is, if it were a separate park--

Mr. Longhurst: The people on those buses would have to pay a ticket to the CNE to park in the CNE grounds, then come across the bridge and pay another admission to Ontario Place to come into Ontario Place.

Mr. Rotenberg: I understand that. But my impression was that you were complaining that during CNE time people don't get transportation close enough to Ontario Place.

Mr. Longhurst: No. I think my statement was that, without it being one park, there is no way of them getting in without paying two admission prices.

Mr. Rotenberg: But you are reasonably satisfied that enough people get close enough to you who come into the CNE grounds?

Mr. Longhurst: Sure. As long as we have the one-park concept.

Mr. Watson: In your answer you said until we have

different transportation systems. Should I read anything between the lines on that?

Mr. Longhurst: No. It's one of the items the management and the board have looked at.

Mr. Rotenberg: You are talking about this light rail from Union Station to the CNE, which I guess would be a big boon to you as well?

Mr. Longhurst: Sure. And to the whole lakeshore area.

Mr. Chairman: Mr. Longhurst, I can't help but feel that you have implied quite correctly--the words have been put in your mouth--that Ontario Place is inhibited to some extent because of location since it happens to be next to the CNE. I am just wondering, if you didn't have this agreement with the CNE, if you operated as a separate park or entity and had no separate entrance--you mentioned, for example, that when the CNE's on, you only open two gates, for example.

Mr. Longhurst: We only have two gates at any one time. There are only two entrances to Ontario Place.

Mr. Chairman: Is there any difference in access to Ontario Place when the CNE is in operation from any other time?

Mr. Longhurst: We don't open any fewer gates, except that 65 per cent of our attendance or patrons have to physically walk through the CNE and pay admission to the CNE to get to our gates. That's the basic--

Mr. Chairman: Right. I suppose this is all part of this agreement you have been talking about.

Mr. Longhurst: Yes.

Mr. Chairman: I am just wondering, in view of the fact that you are attempting to increase your revenues to at least balance your expenditures, whether you feel that this arrangement, as a result of dictation by the ministry or the agreement with the CNE, inhibits your revenue, particularly during the time that the exhibition is open.

Mr. Longhurst: We would like more money, or a greater percentage of the share, but during the period of time, at least in the next foreseeable future, especially when the CNE is doing its own redevelopment and reassessment, I guess we are going to be stuck with that type of an arrangement until the final plan comes out. It would be a primary item, at least from our standpoint, to take a look at once that is achieved, which may be in two, three or five years, who knows.

Mr. Chairman: Have you done any research to show what effect a price increase would have on attendance? You have had a recent price increase. Have you any results on that as far as attendance is concerned?

Mr. Longhurst: We are doing some surveys on it now. They are not in yet. They will be in in the next few months. The general consensus is that it tends to affect specific markets on specific nights. For example, a lot of people who might go to the symphony orchestra might not go with a \$1 increase or that type of thing. But we will have those figures, and then we are prepared to look at it.

Mr. Chairman: The point I am trying to make is, as Mr. McLean has implied, if you were operating as a separate entity--as a private enterprise, shall we say--and had to charge to meet your operating expenses, wouldn't that help the CNE in the long run?

Mr. Longhurst: In fact, Mr. Chairman, in our efforts to work with the CNE this year, we actually had to lower our prices during the CNE, because they wanted to go with a lower price. For example, during the main part of the season we were charging \$3.50, but during the 20 days of the CNE we dropped down to \$3.

Mr. Chairman: You feel that helped the CNE, do you?

Mr. Longhurst: That was their marketing idea, not that of Ontario Place. But to maintain this one-park image we felt--

Mr. Rotenberg: (Inaudible).

Mr. Longhurst: No. We were trying to encourage them to increase their prices and more or less go with ours. We are two separate organizations. They wanted to go with the lower price, because they have been suffering an attendance decline over the last four to five years. Ontario Place has been in the opposite position, where we have been going up or holding pretty close to what we consider our maximums.

11 a.m.

Mr. Watson: If you are only getting 10 per cent of their gate and they lower it 50 cents, it isn't going to make or break you, is it?

Mr. Longhurst: No.

Mr. Rotenberg: They have an attendance of three million people for 20 days--and those figures aren't all paid attendance, because I know how they operate--but do you get more than 300,000 people for those 20 days? You estimate; you don't have turnstiles. How many people come into Ontario Place?

Mr. Longhurst: Oh, yes. A lot more.

Mr. Cooper: Forty per cent of our total, one million people.

Mr. Rotenberg: So you have one million people.

Mr. Cooper: Over a million, yes. A million and a quarter.

Mr. Rotenberg: Of that three million, you get one

million. How many of those people spend how much time there and how much time at your place?

What I am getting at is, how much of that three million might be generated by Ontario Place and how much by the CNE? Can you make a case for getting more than 10 per cent of the gate? Do you attract more than 10 per cent of those three million people?

Mr. Longhurst: Sure, we can make a case for it. But, from a policy standpoint, is this the time to make the case while they are suffering a little bit?

Mr. Cooper: Our position has been, we would like to have renegotiated that agreement four years ago. We think we have a case; however, it's not timely.

Mr. Rotenberg: You had a couple of years when you first opened when you had separate admissions, as I recall.

Mr. Longhurst: Yes, and we died.

Mr. Rotenberg: You died.

Mr. Longhurst: Because people could not get to the site. In those days we had parking for approximately 450 cars. That was the maximum we could accommodate, because Battery Park was not ours at that time and there were no bus routes.

Mr. Rotenberg: The people wouldn't pay the double admission, and that made you victims. Your agreement with them was made in the mid-1970s, was it?

Mr. Longhurst: It was 1972.

Mr. Chairman: The agreement you are talking about, the concept of the one park, is beneficial to Ontario Place.

Mr. Cooper: In terms of attendance, but not financially.

Mr. Rotenberg: When you had the two admissions, as you say, you died and you are probably getting more money in your 10 per cent than you would if you had two parks.

Mr. Cooper: I don't know if that would be the case today. We found that the balance of attendance has now swung toward Ontario Place as opposed to the CNE, say, eight or nine years ago.

Mr. Rotenberg: It is hard to say how many people walk across the bridge, who came specifically to the CNE, and how many of those people would come to Ontario Place anyway if the CNE weren't there.

Mr. Cooper: In our research we took a three-week period prior to the commencement of the CNE in 1980. We asked the concessions, the boutiques and what not to take a look at the revenue for that three-week period, and then we took a look at the revenue for the three-week period during the CNE, and it declined.

Mr. Rotenberg: You mean that people are being syphoned off, in effect, and reducing it?

Mr. Cooper: Yes. What we are saying is that financially it is not beneficial to Ontario Place--

Mr. Rotenberg: To have the CNE open for those three weeks.

Mr. Cooper: No.

Mr. Rotenberg: Of course not. You are the mouse sitting next to the elephant.

Mr. Longhurst: That's right.

Mr. Cooper: We are able to share revenues to a great--

Mr. Rotenberg: But you are better off--yes, I agree with that, but aren't you better off still having the split than having to charge your own admission?

Mr. Longhurst: It would be an awful--

Mr. Cooper: I don't know.

Mr. Rotenberg: (Inaudible) the right amount, but I think theoretically you are better off having the agreement and having one admission, whether you should be 10, 12, 15 per cent or whatever, than having separate gates. You would probably die again, wouldn't you?

Mr. Longhurst: I think we could probably hold our own. I think we are strong enough to hold our own as a separate park. It would be difficult, but I am saying we could hold our own based on the low revenue we realize during that period.

Mr. Robinson: What is the dollar value (inaudible)

Mr. Longhurst: Three hundred thousand dollars.

Mr. Robinson: What is your normal three-week take prior to that? What's one week, if one week's \$100,000 during that period?

Mr. Longhurst: Maybe four times as much.

Mr. Epp: How was the CNE affected when Ontario Place opened? I am just trying to see things from both sides. You say the CNE affects your gate when it's on. Is there any evidence to show that the opening of Ontario Place adversely affected the CNE?

Mr. Longhurst: I don't think in year one--

Mr. Cooper: Initially no, I don't believe so.

Mr. Longhurst: It didn't affect it, and I think all it can do is add to it now. Even during the CNE we have a lot of

people who just come down to utilize Ontario Place. There are parents and families who just use Children's Village, the water slide and the water play area; so if you want to look at it from an attraction standpoint, one of the biggest attractions to the CNE has got to be Ontario Place.

Mr. Rotenberg: I was in the department at that time, and I can confirm that's correct.

Interjection: Is that why they are putting down Bill Davis?

Interjections.

Mr. Watson: Does the midway in the CNE not stay longer now than--

Mr. Longhurst: That was last year, yes.

Mr. Cooper: It has stopped this year. Last year it was open--and correct me if I am wrong, I think it was Thursday nights, Friday nights, Saturdays during the summer months. This year it was not open.

Mr. Watson: I assume that was their decision. From my background I thought it was open, but I guess it was a year ago. Was that good or bad for you? Did you have any opinions pro or con for that?

Mr. Longhurst: From a management standpoint it was very bad, because we ended up with the area suffering from a rather undesirable element hanging around. When they ran the summer midway there was really no price admission charge to the midway. It became like the bottom of a major shopping centre with all the inherent problems therein. If they had nothing to do, they said, "Let's go down to the CNE and just watch the midway." There was a rather undesirable element that hung around the midway. Since our main entrance is now the centre entrance and the Haida, they had to walk right through the midway to get into our grounds.

Mr. Rotenberg: That element that had nowhere to go would go there, and it would keep them out of the shopping plazas throughout Metropolitan Toronto; so there are two sides to that coin.

Mr. Longhurst: I was just answering from our standpoint.

Mr. Watson: So you are happy that they are not operating?

Mr. Longhurst: Yes.

Mr. Chairman: Mr. Epp, have you any further questions?

Mr. Epp: I want to get back to the decision-making authority of the board. Are there 13 members of the board?

Mr. Cooper: Twelve at present; 11 from outside, and the deputy minister is an ex officio member of the board.

Mr. Epp: What kind of representation do we have from across Ontario of the board members? Can you give us the breakdown?

Mr. Cooper: The majority are from the Toronto area, Hamilton, St. Catharines, London and Dryden at present. There was a member whose term came to an end a year ago. He was from Winchester in eastern Ontario. We are hoping there will be a member retiring next March so that we can replace him with a member from the Ottawa/eastern Ontario area.

Mr. Longhurst: I guess basically it has been eight and four.

Mr. Cooper: Eight from Toronto--from the Golden Horseshoe area, let's say--and four from outside.

Mr. Epp: Do you see yourselves as a decision-making body or as an advisory body?

Mr. Cooper: I think both.

Mr. Epp: Who makes the final decisions?

Mr. Cooper: I think it depends what the decision is.

Mr. Epp: Who makes the final decision with respect to administrative matters or policy matters? I am not talking about capital expenses, but with respect to policy on the grounds and so forth.

Mr. Cooper: I would say in a large measure the board makes those kinds of decisions. As you can appreciate, that is a bit of a tough question, because there are areas there where we would seek some consultation in every matter and other areas where we feel we could deal with them quite appropriately ourselves.

I think this is one of the things that has developed in our relationship with the ministry, and I was alluding to that earlier, and one of the benefits of having the deputy with us at board meetings, where you are able to gain some pretty quick insight as to the kinds of things that may be sensitive or appropriate or whatever.

As a consequence, I think I would have a difficult time precisely defining the kinds of policy decisions we make and the kinds of day-to-day administrative decisions we make. There is a lot of dialogue; however, I do believe we operate with a fair degree of independence.

Mr. Epp: How often does the board meet?

Mr. Cooper: Once a month, with the exception of the summer months, and more often if necessary.

Mr. Epp: So about 10 or 12 times a year?

Mr. Cooper: Yes.

11:10 a.m.

Mr. Epp: How many days of your time would that take up, Mr. Cooper, as chairman of the board?

Mr. Cooper: Too much.

Mr. Epp: Aside from today's hearing?

Mr. Cooper: I guess over the past year I would suggest probably 25 days. I would say it would be a month of my time, excluding telephone calls, correspondence and that kind of thing, and weekends. It is not tremendously demanding but, by the time you have a visit to Toronto and go back home and do these kinds of things, it does add up.

Mr. Epp: You are not from Toronto?

Mr. Cooper: No. I'm from Burlington South.

Mr. Epp: What kind of agreement do you have with Dockside when they take over for about four days?

Mr. Longhurst: I guess this is going to be Dockside's eighth year. How Dockside got to Ontario Place is that they actually built or contributed 50 per cent of the capital cost of what we call the north marina, which is the one along the Lakeshore. Against that, each time they have added another investment--the last one was \$25,000--they have a five-year free use of the dock area for the four-day period of the Dockside show and the use of a specific size of tent et cetera in parking lot number one. They get all the revenues themselves from the sale of tickets to Dockside.

Ontario Place changed its season the last three years, in that we used to be open every weekend up until Thanksgiving Day and then we decided to stay open two weeks full time after Labour Day in lieu of the weekends to Thanksgiving Day. That meant Dockside coincided with our season a little more than we wanted; so this year we negotiated an arrangement with them that they would not have their show at the same time as our season was open. So they are one week after we close now.

The net result of that is that we make a lot more money on parking for the attendees at the show and we are much better able to handle our normal patrons. From the standpoint of parking, the use of the Trillium restaurant for banquets, et cetera, it is a very lucrative deal for Ontario Place.

Mr. Epp: So Dockside gets the gate revenue?

Mr. Longhurst: Yes.

Mr. Epp: But you people get additional revenue from the concessions?

Mr. Longhurst: The parking and the restaurant, yes.

Mr. Epp: So you get all that?

Mr. Longhurst: Yes.

Mr. Epp: Who determines the amount of money to be charged? Do you have any say in that?

Mr. Longhurst: It is the same as a trade show. In fact, what they are doing is renting our parking lot. If you want to go back five years, the fee was arrived at by something along the lines of adding the additional mooring space in the marina, which was \$50,000, so that was \$25,000, which was then applied against the loss in revenue in parking. In other words, it was what we would charge them if they just bought the parking lot for 600 cars times, at that time, \$2 for four days.

Mr. Hodgson: I want to address my question to your marina operation. How much of a waiting list is there for people to have dockings at Ontario Place?

Mr. Longhurst: Basically, we do not run it as a yacht club. Every year all the names go back into the hat and if you pick up an application, depending on the size of the boat--if you have an extremely large boat that is hard for us to service, the odds are you probably could not get in just on a one-year basis. But we handle most people on a year-to-year basis, because there is a heck of a turnover.

One of the other items we try to do, both in the spirit of tourism and for outsiders, is to keep approximately 15 per cent of our mooring locations free for transients. In fact, over the past three years, any additions to the marina have been in the transient area. So if people apply in September, with the possible exception of a 45- or 48-foot motor launch, most of them would get in for next season. The applications go out in September of the previous year.

Mr. Hodgson: How are they going to get in if you just put names in a hat and their names never come out?

Mr. Longhurst: I am saying it is not quite just putting their names in a hat. People do apply and, as their applications are received, they are numbered as to the date received and then--

Mr. Hodgson: I have people up in my area who applied two and a half years ago and there has been no space there at all.

Mr. Longhurst: Let me just go back to what I said previously; that is, every year we empty out the marina and we start over from scratch. So if they applied in September, if you do have people who want to apply--

Mr. Hodgson: They have applied. It is not simply a case of them wanting to.

Mr. Longhurst: But we do not know when they applied. If they applied, for example, in May 1981, they won't come up for May 1982.

Mr. Hodgson: How about 1979 and 1980?

Mr. Longhurst: Again, if you apply in May of every year, sir, you are not going to get there, because all the spots are decided in September of the previous year. But if you know anybody who wants to get into the marina, tell them to ask for an application in September of the previous year.

Mr. Hodgson: In 1979 they went in May, but in 1980 and 1981 they applied in September. However, be that as it may--

Mr. Longhurst: We do service most of our applicants.

Mr. Hodgson: How much of a waiting list have you? You have not answered that question.

Mr. Longhurst: Depending on the length of the boat and whether it is power or sail--there is a very popular range of 32-foot boats--we probably have about 20 names on the list.

Mr. Hodgson: Twenty who have not had accommodation yet?

Mr. Longhurst: Yes.

Mr. Hodgson: Okay. The next question is, how many of those spaces are taken up by people from south of the border rather than people from Ontario?

Mr. Longhurst: On a permanent basis? I don't know of any American who is in there on a permanent basis. They form a large portion of our transient business, and we do try to encourage that, no question.

Mr. Hodgson: Yes, they do. I am glad to hear that, because that was one of the complaints: "Our friends from south of the border can get dockings there and we can't." Are there any plans in the wind to enlarge that operation?

Mr. Longhurst: We have looked at it in reference to the previous gentleman's question, along with Dockside, whose contract is coming up, in an effort to see what we could do, where we could add. Unfortunately, the water this side--even, in fact, where we are--most of the water this side of Ontario Place is considered open water. It, in fact, is not our water. It belongs, if you will, to the National Harbours Board, and we cannot put moorings on it, or (inaudible) in it. But, yes, we are constantly looking at it. It is a very expensive--

Mr. Hodgson: How much would it cost for a dock for the boating season, say, a 30-foot yacht?

Mr. Longhurst: It is so much a foot; for a large one, say, \$1,200.

Mr. Hodgson: It is \$1,200.

Mr. Longhurst: Yes.

Mr. Hodgson: For about a 30-foot? That is all, Mr. Chairman.

Mr. Chairman: You were saying, Mr. Longhurst, that you are more or less inhibited from expanding because it is the property of the National Harbours Board.

Mr. Longhurst: It's open waterway. It's right on the lake.

Mr. Chairman: Is that just west of--

Mr. Longhurst: It is just north to the site, sir.

Mr. Chairman: North.

Mr. Longhurst: All that waterway in there is considered open waterway.

Mr. Chairman: Have you any space to the west--along inside the breakwater, for example?

Mr. Longhurst: We were looking at that this past summer with some experts. We were thinking of possibly applying to see whether we could not deck that breakwater and at least moor on one side. It is an awfully rough area. Maybe 90 per cent of the time you could legitimately moor a boat there. The rest of the time you would be in a constant state of shower and shock.

But we have looked at it, and it would seem one of the more economical ways of increasing the number of berths we have at the site. The experts tell us it would be pretty dangerous to the people themselves, because they would have to walk out that way.

11:20 a.m.

Mr. Chairman: What would be the percentage of your marina revenue in comparison to your overall revenue?

Mr. Longhurst: It is very minimal.

Mr. Chairman: Is it?

Mr. Longhurst: Yes. It's really not a very big marina.

Mr. Chairman: Would it be worthwhile then to expand the marina, as opposed, say, to more exhibits, or public facilities like restaurants and things like that?

Mr. Longhurst: The boats themselves add to the natural ambience of the site. It is very noticeable when you close down for the wintertime and walk around that place once the boats have left. But if there were any expansion of Ontario Place, if we were going to additional islands or what have you down the road, I think boats and additional moorings would be part of it--but to a large extent, either from a tourism standpoint or just because of the natural ambience of the site.

Mr. Hodgson: If gas gets to be \$4 a gallon, there will not be so many boats in there.

Mr. Longhurst: There would be the same number of boats. They just will not be going anywhere.

Mr. Chairman: They will be staying longer.

Mr. Robinson: Mr. Chairman, I really had not planned on getting into marina aspect of it, but I have just a couple of quick questions. You say you clear it out in the winter?

Mr. Longhurst: Yes.

Mr. Robinson: You have made two comments: First, you are not a yacht club and, second, you clear it out in the winter.

Mr. Longhurst: Yes.

Mr. Robinson: I do not know enough about yachting. I suppose Mr. Hodgson is much more expert in the area than I am by the nature of his constituency.

Mr. Hodgson: I had a raft on our farm pond once.

Mr. Robinson: I wonder, unlike a yacht club where the boats are stored on the premises one way or another during the winter, where do all these boats go during the winter?

Mr. Longhurst: Most of the boats that are permanent to Ontario Place are stored in the F and N Yacht Club at Harbourfront.

Mr. Robinson: But they do not moor there during the summer, for whatever reasons?

Mr. Longhurst: No. They are stored on, if you want, the parking lot area.

Mr. Robinson: Okay. I wanted to get more into the tourist attraction and entertainment end of things for a few minutes.

Do you feel you have a clear vision of the balance you have in this facility between a government public service operation and a financial tourist attraction? Do you have a mentally clear picture of where the lines are on that, or is it something that you rather fly by time as you go?

Mr. Longhurst: That's a good question.

Mr. Cooper: I do not think we would have, necessarily, a clear-cut view as to where one stops and the other starts. I think it is something that evolves and has evolved over a period of time.

For instance, the Imax film business was developed in Ontario. Is that a product of Ontario Place or the Ontario government? Is it commercial or is it cultural, depending on the

attraction? Those kinds of things tend to evolve as opposed to being able to define them accurately.

Mr. Robinson: That is fair enough. But as an attraction itself--let us stay out of the spinoffs for a minute and stay out of the special arrangements with the CNE--just as an attraction, just as a feature of this city that happens to be operated by the government rather than by private enterprise, where do you strike the balance? Do you feel it out? We will talk in a minute about surveys, admission breaks and one thing and another, but I wonder about your feelings, philosophically, as a board of management.

Let me try to give you some sort of an example. In our review of the Ontario Racing Commission--which has nothing to do with you at all, of course--in their power to operate, they often rely on things that are in the best interests of racing, things that are for the good of the turf, or, on the contrary, are not in their best interests.

Do you have that sort of approach to Ontario Place where the board makes decisions, which, rather than being based on a set of guidelines, are made on intuition, by way of price or attraction, what will sell or what will not sell?

Mr. Longhurst referred to an area with a tea house, because it answered a particular need. I am not looking to pin you down particularly, except to have a better insight as to whether you do fly by intuition and in reaction, or if you do try to maintain a certain clear-cut perspective on what is commercial and what is responsive, what is government and what is private.

Mr. Cooper: I think it is an evolutionary process. Some of it is reactionary, as you suggest. We react to certain demands, and in others we attempt to lead the way in certain attractions. I do not think we operate under a clear definition as to what might be government-oriented or ministry-oriented as opposed to what might be a commercial aspect to the attractions.

Mr. Robinson: Is it an uncomfortable process of making decisions that affect operating policy as they relate to, potentially, their increase of revenue or loss of attendance?

Mr. Cooper: No. I do not find that.

Mr. Robinson: You just examine it on the basis of the pragmatic facts that you have in front of you, and your board makes a decision in that context.

Mr. Cooper: We make a recommendation in that context. That is correct.

Mr. Robinson: The excellent report that Mr. John Eichmanis, our researcher, prepared--I do not know whether you have had the benefit of reading it or not--says, "Ontario Place ranks fifth as a recreational attraction, behind the two Disneylands, Copenhagen's Tivoli Gardens and England's Blackpool." It ranks fifth.

Mr. Cooper: In attendance?

Mr. Robinson: Yes. I do not dispute that. I wonder, though, about your being fifth in the whole world in terms of attendance; would you enjoy that same high ranking if you were operating on a break-even or profit-making basis?

Mr. Cooper: We would rank very high. I could not say whether it would be fifth, sixth or seventh. The reason I could make that judgement is that, on an operating basis, we are moving closer to break-even today.

Our grant for operating purposes will be in the order of \$700,000 this year, combination capital and operating just over \$1 million, whereas last year it was over \$1,750,000. And we had a price increase. We have been able to move closer to our goal. I think we would still rank in a high position.

Mr. Robinson: Would you agree with me that the four ahead of you are highly commercial, highly profit-motivated operations and that Ontario Place is unique in that group? I am not professing to be expert. I am just trying to get a feel for it.

Mr. Longhurst: Tivoli Gardens would be along the lines of Ontario Place. It is not really a theme park. It is really a natural ambience. Their big attraction is restaurants and onsite programming. They are really not in the ride business.

In my estimation, there are only two theme parks in the world anyway--somebody who builds his own rides--which are the two Disney parks. Tivoli Gardens is pretty close. Blackpool is a conglomeration of various, if you want, mini-theme parks or mini-attractions. It is really a whole area rather than a specific park; so there are different categories in there.

To get back to one of your other questions, you were talking about whether or not we wanted to operate it on an operational break-even standpoint. If we were a private enterprise, so to speak, and we wanted to increase the revenue and the attendance and play that game, probably the easiest thing, which would be disastrous from our standpoint, from a policy standpoint and from the standpoint of our mandate, would be to eliminate the cultural events.

If we eliminated the cultural events--say the symphony averages around 3,000 a night and the ballet averages somewhere around 1,800 or something like that--and replaced it with popular entertainment, and let's say we ended up with 30 nights of cultural entertainment, or 42, there is no question we would increase the attendance maybe 10,000 a night. There is that factor.

Mr. Robinson: That is interesting, because that leads me to where I want to go next and finally, I suppose, the business of rock concerts.

Rock music is big business, probably second to the auto industry in North America. I think it ranks somewhere up there--we are ranking things this morning. It is a highly competitive, high-

revenue, comparatively low-expenditure operation in a ratio to the revenue that you generate from it.

Mr. Chairman: Except when they do not turn up.

Mr. Robinson: Then there is a high deficit on the facility probably. But, that aside, Toronto is not overwhelmingly known as a rock centre or as a rock concert centre, though it is becoming increasingly popular. Do you work co-operatively with rock promoters, or is there--and I am not guessing and I am not leading you--any sort of antagonistic attitude between you and rock promoters or private concert promoters in the private sector because you are providing an attraction at considerably less cost?

11:30 a.m.

Mr. Longhurst: There is no personal animosity, because we talk to them fairly frequently. They probably consider us a competitive venue, particularly because of the fact that we are a venue and the promoter of the act; there is no middleman. When we negotiate the act, it is my staff or myself and the actual act itself; so there is no promoter.

We are the promoter. We are the facility owner. It allows us to negotiate fairly good contracts with some entertainment. Plus the fact that we do not charge admission prices into the entertainment allows us to get into a flat rate deal where they really have to work with the facility, like the O'Keefe Centre, and come up with a percentage arrangement on the gate.

Mr. Robinson: I do not profess any specific knowledge of it, but is there a feeling among the private sector that you are indeed cutting their market? Never mind personally by way of promotion fees, but just in raw gate attendance. Are you cutting in, or is the fact that you are providing it supplementing the interest in it?

Mr. Longhurst: I think you have to distinguish between and agent-promoter and a promoter. In many respects, Ontario Place is providing a forum--no pun intended--for an act, particularly a Canadian act, that probably could not afford to book a major venue or draw a crowd.

In a case in point, I will use American entertainers we happened to have with us this year: Melissa Manchester and Burt Bacharach and Carol Bayer Sager. In the case of Burt Bacharach and Carol Bayer Sager, they wanted to put a show together and go on the road and they needed a crowd. Our venue is the type of venue that will give you a crowd, regardless of whether the act is known. So they played our facility for probably less than it cost in the air fare to come all the way up from Los Angeles. They must have brought about 20 photographers with them et cetera so they could get coverage of the act.

Another one is Melissa Manchester, who is a top-name talent right now but she wanted a big crowd to start off with and she particularly set up her whole tour to play at Ontario Place. If you add that to the Canadian talent, particularly the up and

coming Canadian talent who probably could not sell their tickets at \$10 or \$12 at either Maple Leaf Gardens or the Montreal Forum, you name it, then here is a chance for them to go out.

In some cases, we might program the individual on the same night as, say, fireworks and we will guarantee them a crowd. We will give them 12,000 people, because we will have 40,000 down there to watch July 1 fireworks or Victoria Day fireworks. You probably could not draw that crowd anywhere else. So in that case we are not really competing, we are helping. We are helping the promoter book additional dates with that same performer.

Mr. Robinson: So you are in the talent development business.

Mr. Longhurst: I think to a large extent, sure.

Mr. Robinson: Who actually selects the popular bands, the rock bands, the new wave bands, the young crowd attractions? Who actually selects those and on what basis are they selected?

Mr. Longhurst: It is a joint decision-making process between the programming manager and myself. Once the schedule is approved--I am not saying minor variations are submitted to the board; they see it before the season starts. It is not just like going out and saying we want Barbra Streisand. It is the fact of who is touring at the time, what do you think their record sales are, their marketability, how they draw on that market, that type of thing.

Mr. Robinson: A couple of years ago, as I recall, although I do not recall exactly when it was, you had a security problem down there on one of these things.

Mr. Longhurst: Yes. We had one last year. This was a Canadian group, a Hamilton band. In this case, we actually were using the band on one of our weak programming nights. It was in the early spring, which is normally cold, and that sort of music will draw out a limited number of people. The group in question had not drawn, and has not drawn since, anything more than about 350 people and we ended up with in excess of 12,500.

Every once in a while you are successful. Sometimes the site adds to it. We believe on that particular day it was more from the standpoint that there was no other entertainment in the city around that time. That is a market we were trying to address like all markets, whether it be middle of the road, country, western, cultural or what have you. That was part of it. If you talk about the talent promoting business, we did more for that act. We should get a commission on their record sales.

Mr. Robinson: You obviously make different security arrangements--and we are somewhat familiar with them in our report--for that kind of attraction than you would for the Toronto Symphony, the National Ballet or even Melissa Manchester, I suppose. Is there heavy wear and tear on the site as a result of one of those attractions?

Mr. Longhurst: In actual fact--I do not mean to disagree with you--probably the worst wear and tear on the site and the worst crowd we actually had was for the Toronto Symphony concert with Karen Kain and Frank Augustyn two years ago.

Mr. Robinson: Why was that?

Mr. Longhurst: It was a combination of the conductor delaying the orchestra because they were not playing up to scratch, having a heck of a lineup, and everybody ran. They were climbing trees and the rest of it. There is no way of isolating it as a specific item, but in general the damage is minimal, it is repairable and it cannot be isolated to one type of performance.

Mr. Breaugh: I just wanted to pursue a couple of areas. I am interested in the number of people, members of the committee and yourselves this morning, who kind of played with the idea that you might now want to become a business, which I always find fascinating. After we taxpayers have sunk \$53 million into something, somebody all of a sudden then decides we ought to toughen up and become very businesslike.

I am a little concerned that it would be attractive now. Having got the public purse to go for the capital costs and to get the thing on the rails and do the promotional work, it certainly would be an attractive proposition at this point to turn it around and say all of a sudden, "We are now business."

How serious is that? In particular, I am thinking that in some way things will have to happen at the Canadian National Exhibition over the next few years to change it. It strikes me that if there is not that continued co-operation between the two sites, one or both are going to have a very difficult time surviving.

That would become kind of a cut-throat competition down there between two sites, and you would have, I think, an outrageous problem. As you say, I cannot think of anybody in his right mind who would pay \$3 or \$3.50 to walk through the CNE to get the privilege of paying \$7 or \$10 to get into Ontario Place. It just would not work.

Are you concerned that whatever develops around the CNE keeps you as an integral part of that building process and that two common philosophies continue to exist there?

Mr. Cooper: Maybe I could just answer the first part. The question earlier was: If we were looking at making Ontario Place a viable business operation, what kinds of things would you have to do? I think I addressed the question to the extent that we would have to take a close look at admission prices, for instance, the price of attractions, entertainment, movies.

In fact, our objective, as it now exists, is that we would like to move closer to operating self-sufficiency. I do not think we would delude ourselves at this point that we are capable of raising revenue to the extent that we can cover the capital expenditures necessary for major site maintenance.

What we are looking at is trying to reduce the ongoing operating expenses so that the drain on the public purse is minimal in that area. We are not setting out, in my view, to create a cut-and-dried business operation, because I do not believe we would be fulfilling our mandate if we attempted to do so.

Mr. Breaugh: I want to say that many people in my area and in my family have been to the site on a number of occasions, go fairly regularly and enjoy it because it is something that is a little different from what you would find in most places.

I suspect, like many other people, when we make our annual visit to the exhibition, that we often try to squeeze two or three hours out of Saturday to go over to Ontario Place just to rest and let the kids go. When the children were small, the Children's Village idea was a tremendous concept. You could see all kinds of families there who had been bled to death at the exhibition and had a couple of hours of relief; and their kids probably had a better time at Ontario Place than they did on the clunky rides at the Ex. All of that seems to be a worthwhile endeavour.

11:40 a.m.

There are a couple of problems that concern me a bit about Ontario Place. The first is what you talked about a bit this morning. It is not yet an Ontario place; it is still very much a Toronto place. The board is dominated by Toronto people; the attractions are more available to people from Metro than they are to people from outside areas.

It is a very nice idea that somebody from Toronto can see first-run stage performances by international artists at subsidized rates, but it is a little tough to say to people in Sudbury, "We are sorry we cannot take these acts to Sudbury and show them to you as well." What could you do that would attempt to turn that around and put a little more balance into it?

Mr. Cooper: Just let me understand. Do you mean, in terms of entertainment that is being provided, to the exposure that the facility has to all people of Ontario?

Mr. Breaugh: Yes.

Mr. Cooper: I guess there would be some physical problems involved in that. One of the things we are attempting to do, for instance, is to deal with staffing situations, summer students and the like, in the Ontario North Now pavilion, which was built last year on the west island. I don't know whether it would be practically possible to deal with providing entertainment, and some of the other attractions that are available in Toronto, in a location such as Sudbury.

Certainly we are trying to increase the exposure of students who are employed there during the summer from other centres in Ontario. But that, of course, has its own inherent difficulties in that the wages that are paid are not tremendous; and if somebody has to travel from Sault Ste. Marie or Windsor or wherever, and

spend the summer there working, the probability is that they might be able to get employment paying somewhat more, in the net result, elsewhere than working in Ontario Place.

There is no question that, by virtue of its location, it is dominated by Metropolitan Toronto and the Golden Horseshoe. I guess we have to, if we can, rationalize it on the basis that when you look at the Golden Horseshoe area, Barrie, et cetera, you are perhaps looking at the 50 per cent of Ontario's population that have an easy hour- or hour-and-a-half drive to the facility.

Mr. Watson: It is a lot higher than 50 per cent.

Mr. Longhurst: Yes; it is 60 per cent.

Mr. Breaugh: Are you aggressively trying to pursue that line of not just taking kids from around the province and giving them an employment opportunity at Ontario Place, but attempting to bring in cultural and recreational groups and get them, from around Ontario, provincewide organizations, to use your facility so that there is sort of a cultural focus on Ontario Place? How actively are you pursuing that?

Mr. Longhurst: We are approaching it in two stages. First, we openly contact most cultural groups, most educational groups, particularly in the area of the Forum when it is open for high school bands, theatrical groups; the bandstand, which is totally Canadian talent, 100 per cent; Ontario North Now, which does programming within the facility itself; the children's theatre. The number one priority in all these venues that I have mentioned is for Canadian talent.

Secondly, in hiring our students, we take a look at where they come from to try to get the greatest cross-section. We may have a young lady or a young man in from Thunder Bay who is attending the U of T. We can get somebody from up north, or somebody from Ottawa, or somebody from Windsor. We are looking at it from a staffing point.

The other point is that we hire somewhere in excess of 600 students a year to man the site. Now, particularly in the last three years, we have set up our hiring practices so that we really are looking for people within the particular field. If they are working in our theatre programming department, they really have to be in theatre arts to be employed; so they are getting some cross-sectional training. With our security force, they have to be attending a law enforcement course. Our medical staff is basically now attending paramedics training in universities. Our accounting staff are people who are going towards an accounting course. Our food service staff comes from George Brown or an equivalent type of course in the field. We are giving them some on-the-job training as part of the overall operation.

We have had a lot of good results in that respect. We have had students leave us and join the OPP and the Metro ambulance service. We have had people go into the television market. We have had people join the O'Keefe. I think one of the biggest feathers in our cap along those lines is that Canada's Wonderland hired a

fair number of our ex-students who stayed in the field.

Mr. Breaugh: You touched on in a number of places this morning, and you have mentioned again just now, attempting to provide a place where Canadian talent can be presented. Have you ever considered going a little past that and providing a forum for getting a large crowd where they normally wouldn't be able to do that; actively cultivating some kind of theatrical centre there, so there would be a little bit more of the stage work, or perhaps running schools there during the summer? More than just presenting, in other words?

Mr. Longhurst: We have become producers, if you will, of various multimedia-type shows. We have had a couple of cases in our various theatres, Theatre II in particular, where we have produced a show. It is extremely difficult and extremely costly, unfortunately. Right now, our venue is so fine-tuned that we need turnover to satisfy the general public. We may use the Forum three times in one day, for example.

One of the proposals that came to us originally was for an opera centre or something like that, and if there was a venue like that available, sure. But it is a costly item, and I don't think we have the facilities in which to service that need right now.

Mr. Breaugh: I notice that in the last few years, particularly, you are getting into basically trade shows and things of that nature. Dockside would be an example of a fairly large show.

Mr. Longhurst: It has been there eight years, though. It is not a new one.

Mr. Breaugh: I notice that your facilities are being used, too, by sports equipment companies for demonstrations and that kind of stuff. Is there much potential there?

Mr. Longhurst: We try to utilize the site 365 days and nights a year. The banquet business in the Trillium is a very large business.

We are fairly limited, particularly when you consider the weather insensitivities, as to what we can do in the area of those types of shows. We are really limited, and I am talking here of the off-season. You don't want to do it during the on-season, because then you are taking something away from the patrons.

In the off-season, basically you are limited to our Pod I area and the two theatres and possibly Cinesphere, with the Trillium restaurant. There is very little covered space, which is something the chairman made reference to earlier, particularly with weather insensitivities. Even in the case of the Forum, which is tentatively covered, if you get a good wind off the lake, you find out how uncovered it can be.

It is a market. People like Ontario Place; they like to use it. It is a revenue producer for the site, but we are fairly

limited. We really only have about 9,000 square feet of possible exhibit space, which is that front pod.

Mr. Breaugh: Yes. That market has pretty tight limits on what you can do with it.

Mr. Longhurst: Yes. It is a nice market to tap, though.

Mr. Breaugh: In developing on future lines, we have noted that there are limits to what you can do with the current site, but when you do move to contemplating more facilities or expansion of the current sites, what is your current thinking on what the emphasis should be?

It is a rather pleasant mix now of a kind of park with attractions. Are you contemplating an extension of that, or are you contemplating some major change so that your new facilities would be geared towards picking up more of the trade shows and solving that problem?

What would be your priority in terms of planning for the future? What do you want to have that you haven't got now?

11:50 a.m.

Mr. Cooper: The first point would be, as Bruce alluded to earlier, the weather sensitivity of some of the facilities we have. In respect to, say, trade shows or other shows, I don't think we necessarily want to get into competition with other facilities in the city, because I don't know that we could do as good a job; and I don't believe that is our mandate.

I find it difficult to argue with success. I think we have got a good facility, and I would like to see that kind of facility expanded so that we have got a good mix of attractions. I think we have found over the past four or five years that the family orientation to the site has become stronger and stronger, and I think we want to build on that base.

As I mentioned earlier, if there were further development three or four years down the road, I think we would be thinking about a facility that might provide a longer season in terms of providing entertainment, something enclosed, a theatre that is enclosed or a Forum-type atmosphere that is enclosed.

I think our emphasis, too, in the future should be in water-related activities, and we are looking at some attractions that are water-related. There seems to be a very strong attraction for the children to water, and obviously what we are finding with some of our older patrons is that they enjoy being near the water as well.

I don't think we want to change the theme, if I can put it that way, but we do want to be able to use the facility for a longer period of time. Ultimately it would be my view that you would have a facility capable of year-round operation.

Mr. Breaugh: Let me shift this around a little bit. I

have a little bit of difficulty with things such as the rates you charge for the marina, which are a little less than what you would find in the private sector.

Mr. Longhurst: They are a little higher.

Mr. Breaugh: A little higher? Just exactly why is the government of Ontario building marinas like Ontario Place? You have given a bit of a rationale, that it is kind of a water-related site and they add a little bit of atmosphere to the site. I take it from what you have said, though, that you don't really consider yourselves to be primarily in the marina business; that they are kind of around, like lamp shades, to add a little décor to the place.

Do you intend to continue with that? I am told that the marina business has some potential in the near future as a money maker. Do you see it in the same light?

Mr. Longhurst: No. I think we have purposely stayed away from getting into that aspect of the marina business. We do not sell gasoline. We do not sell groceries. We do not have a reception area. We do have a couple of showers on one side with a specific washroom for the marina, and I guess that is about all. We have purposely stayed away from winter storage of boats, gasoline dispensing, repairs, a ship's chandlery, et cetera, and really ever using it, as I stated earlier--unless the chairman has anything to add to that?

Mr. Cooper: I think the future development may include an extension to the existing marina, but I think we want to be perfectly satisfied that we are not necessarily subsidizing that area of the operation.

Mr. Breaugh: One final thing, which the gentlemen opposite will like. It has been said that this has been a \$53-million boondoggle for the Tories in Ontario; that in part, Ontario--

Mr. Robinson: Said by whom exactly?

Mr. Breaugh: Cliff Pilkey told me that once.

Mr. Robinson: Oh, he did? I wondered who might have said that.

Mr. Breaugh: I have noticed in the sites down there that there is a fair emphasis on the various ministries--as you say, the deputy minister sits on your board and all that--so there is a pretty heavy connection with the government party. Do you feel that you get a little manipulation now and then to demonstrate all of the wonders of Tory rule in Ontario?

Mr. Longhurst: Maybe I can answer that for the manager. I have never felt that in the almost three years I have been there. The programming of the site has been totally up to the management staff in conjunction with the board. At various times we may change the programming; for example, we went away totally

from Ontario-type films, because we had so many Ontario films. One of the films we released this year was Living Planet, which covered the whole world. We had North of Superior, Catch the Sun and Ontario Summertime. How many pictures can you take in Imax of the province of Ontario?

Part of this natural feeling is to where we are ready to go. Next year, maybe it will be time to go back to Ontario; we have been away from it for two years, as a province, using it in a programming sense.

With respect to Ontario North Now, the people from northern Ontario were looking for a presence, much as you were asking earlier with respect to Toronto; is it Toronto Place or is it Ontario Place? I think Ontario North Now really adds to incorporating the total province.

Mr. Breaugh: You are reasonably comfortable then that there is enough distance between you and, say, somebody who is working for one of the ministries who wants to do a public relations number to convince the immediate world that the Ministry of Health is doing a fantastic job in Ontario, and all you have to do is go down to Ontario Place and see Vantage One and all the paramedics--most of them in the province were working down there when I saw it? That isn't a problem?

Mr. Longhurst: It was a very popular attraction, to be quite honest with you. It really was. They wanted to show the helicopter; if you will recall, that was only during the CNE period. In other words, they wanted to put it over at the CNE as part of the government's displays at the CNE. Since the powers that be say you cannot lend a helicopter to the CNE any longer, especially one that size, we offered them that land.

As it turned out, it proved to be one heck of an attraction during the CNE, because kids are interested in the bandages, they are interested in first aid and they are interested in helicopters. The paramedics who were doing it, quite honestly, did a good job. They knew their business, and they worked with kids in particular.

Mr. Chairman: Ontario Place--yours to discover.

Mr. Breaugh: Help keep the promise.

Mr. Epp: The realities of March 19.

Mr. Robinson: Which one is going on the licence plates now?

Mr. Chairman: Just a couple of questions, Mr. Longhurst or Mr. Cooper, following up on some of Mr. Breaugh's questions. I didn't hear them all.

Are you satisfied that, as of now, the winter program has been worthwhile? Do you feel it's a success?

Mr. Longhurst: I would say in the last two years the

winter program has been so successful it has virtually been a sellout. We divide the winter program into two areas: the pre-Christmas period, which we call Winter Wonderland and which is for children; and the after-Christmas program, which includes a skating rink and, if we have snow, bumper hills at the back of the island.

The 70-millimetre film festival has been extremely successful. There is absolutely no question that, on a program-by-program basis, it is a revenue producer.

Mr. Chairman: I haven't seen last year's audited statement, but your statements indicate you are making money on it.

Mr. Longhurst: Yes.

Mr. Chairman: We've been around this question all morning, the situation where you are not entirely a separate entity; you cannot operate entirely as you wish as a private enterprise entity; you are involved with government; you get a certain amount of direction from the Ministry of Industry and Tourism; you have the deputy minister on your board.

Do you feel that in any way inhibits your operation from the point of view of revenue? For example, Ontario Place is part of the student employment program. My experience is that you have some very capable young people working at Ontario Place during the summer. But do you hire more than you need because it is part of a student employment program? Or do you just hire what you need, and they are an asset in the overall financial operation of the site?

Mr. Longhurst: Within the basic definition of the act of incorporation, Ontario Place operates as a business. In other words, we hire the students we need to do a particular job. If it is raining, the students go home and that type of thing. It is run on a profit-and-loss basis, again with the single exception, if you are talking straight dollar revenue, of the type of programming we are committed to in the area of cultural entertainment and/or the showcase of Canadian talent type of thing.

But within those very few confines, no, from a management standpoint, there has been no problem at all.

12 noon

Mr. Cooper: Also, from the board's standpoint, we do have the odd philosophical disagreement. However, we are certainly not in an adversary position with the ministry. We are in a good co-operative position, and we work any differences out quite readily.

Mr. Chairman: Another form of subsidization that you have to accept apparently is senior citizen passes. As the average age of people in this province increases, there is going to be more use of those passes. Do you feel that the arrangement whereby the people you allow in with senior citizen passes are offset by a grant or subsidy from the province is a reasonable arrangement? Or

do you feel that again affects your overall revenue?

Mr. Longhurst: Generally speaking, in North America the demographics show that we are ending up with a slightly older population. The figures say the average age of our patrons will be somewhere around 45 by the year 2000. Right now, it is a noticeable portion of our market, and it is increasing. There is no separate grant now to cover that aspect of it, but it is something that will have to be addressed down the line as a policy decision.

Mr. Breaugh: Where did that concept come from? Who suggested free passes for seniors?

Mr. Hodgson: The great province of Ontario looks after its senior citizens.

Mr. Breaugh: I am asking who suggested that.

Mr. Longhurst: With respect to our facility?

Mr. Breaugh: Yes.

Mr. Longhurst: I can't answer that question.

Mr. Breaugh: Has it always been the policy?

Mr. Longhurst: Yes. Quite honestly, if the demographics proceed in the upward spiral predicted by the experts, probably an even more important aspect of that increasing age is generally speaking the lack of spending that goes along with it. The senior citizens, as I mentioned earlier, like the tea room; they do not utilize the restaurants and that type of thing. As far as a revenue base for any sort of park is concerned, whether it be Canada's Wonderland or ourselves, rather than the admission price, that is going to be a more critical feature.

Mr. Chairman: Another question I have concerns an item in your comparative statement of revenues and expenses. You seem to be a little out in your parking estimates. For example, your estimates for 1978-79 showed an expected revenue of about \$680,000, and you got something under \$300,000. Now I see for 1980-81 you expect \$902,000. What's the problem? Are you enlarging your facilities there?

Mr. Longhurst: The first one you mentioned was when we did do an enlargement and it wasn't ready on time. The second one is just a natural progression of utilization of the parking spots and slight price increases over the years.

Mr. Chairman: The other point, which I think has been touched on, is the question of Canadian content in your performing arts programs.

You have the Toronto Symphony quite frequently. You have talked about some of the performers you have assisted by giving them a venue. Then you have to offset that by trying to pack the Forum as much as possible by bringing in out-of-province

entertainers who are international stars and who assist the attendance figures.

What do you do? Do you sit down at the beginning of the year and decide, "We should have a certain percentage of Canadian performers or young talent to give them an opportunity," and at the same time balance that off with, shall we say, a rock group, which you probably do not really want but feel you need?

Mr. Longhurst: As far as the Canadian talent is concerned, what we do at the end of the previous season is put down a list of all the Canadian talent we know of, which is going through all the directories, the listings, talking to the agents, promoters, et cetera about who they have in their stables that they are interested in booking.

--- Quite honestly, Canadian talent right now is probably the hardest thing to find, particularly top-name Canadian talent, because of our top-name Canadian talent has gone international on us, in the area of the Anne Murrays, the Burton Cummings, those types of performers. There seems to be a void in between.

But we do put them down. What we try to do is book them when we know they are having a tour. You just don't go in, as I said, to an Anne Murray and say, "How would you like to do one show?" If she doesn't have a show together, you can't get her. She may decide not to go out all summer.

That is your top-name talent. Then we try to fill in and around it. On the weekends, for example, which might be more family-oriented than a Monday night, we try to keep family entertainment. If we are going to put on a youth group, we will put it on a night on which normally the attendance on the site might be down a little more.

We have to take a look at the symphony orchestra to see when they are available. We have to look at the ballet and see what dates they are not travelling over in Europe or down to Artpark or something along those lines.

That basically covers the Forum. Once you fill those dates in, you really have to work around them as to what else is available on those nights: what would suit the site but, more particularly, just what is available.

With respect to marching bands, amateur groups, the bandstand and showboat, we go out and that is 100 per cent Canadian.

Mr. Chairman: Do you have applications sometimes from some of these Canadian groups that would like to appear there?

Mr. Longhurst: Yes. They come from various sources: leads and from members of our board of directors who happen to be associated with it, other facilities, or people writing in saying they have a good band. We normally go out and see them. They may be playing a local bar in Oakville or Burlington. We try to pick it up when it is close to Toronto and see, first, whether it is

conducive to the site and, second, whether it is has any sort of draw capabilitiy. There is nothing worse than putting talent up there when it turns the people off and they actually leave the facility. If they have an act together and they have a big enough act that can entertain the people from 45 minutes to an hour, say in the bandstand, we definitely will take a very close look.

That is basically how we go about it. There is no direct rule, except that we are very conscious of Canadian talent and try to book as much of it as we can.

Mr. Hodgson: There is quite an interest in drum corps. Do you hire any of those?

Mr. Longhurst: Yes, we do. We have marching bands on the site every single weekend and every day before school is out. After school is out, you have to go to the municipally funded ones, such as the Burlington Teen Band or something like that.

Mr. Hodgson: A lot of these drum corps are in competition. They operate all summer. They are more active when the school is out than prior to school.

Mr. Longhurst: Before school is out, we utilize the high school bands and orchestras. After school is out, we go to the drum corps et cetera. In fact, we had the national band competition at the Forum this year during the CNE.

Mr. Chairman: What about any athletic functions at the Forum? I am thinking of gymnasts, probably even something like wrestling or boxing.

Mr. Hodgson: You mean mud wrestling?

Mr. Chairman: No. Right on the floor.

Mr. Longhurst: To my knowledge, we have not put an athletic event into the Forum. The facility, although it is very useful for entertainment, has some limitations, even for things like the ballet with respect to the floor, the staging et cetera. We do utilize the site for professional sports in the Superstars competition, which is a CBC television program.

Mr. Chairman: What do you mean?

Mr. Longhurst: They film it at Ontario Place. They set up obstacle courses, bike races, et cetera.

12:10 p.m.

Mr. Chairman: I am thinking that our Canadian Olympic team has a good group of gymnasts who have done very well in international competition. But the crowds, except at Olympic events or world competition events, are pretty pathetic.

Mr. Longhurst: We would have to do major alterations to the Forum. We would have to lift the lights and we would have to

put holders in the floor et cetera to try to handle their equipment.

Mr. Chairman: Any other questions from any of the members of the committee?

The only final question I have is, are you still making money on the Haida? I know the local Legion won't let you close her down, but I just wondered if you really feel that you could use the space for something else.

Mr. Longhurst: The Haida itself is just too small to make money on. You just cannot get enough people through it. It has nothing to do with the Haida; it has to do with the way they happen to have made destroyers. There is no way in the world that we can make enough money on the Haida.

Mr. Chairman: Thank you very much, Mr. Cooper and Mr. Longhurst, for attending today. It was a very interesting session, and we appreciate your frankness.

Thank you, gentlemen. It would appear that you are going to get another half holiday.

Mr. Epp: The schedule for next week is the same as provided us earlier?

Mr. Chairman: Yes, we will meet next Tuesday at 10:00 a.m. for the consideration of our report. By the way, do you want that to be in camera meeting, or should Hansard be here?

Mr. Epp: Is it anticipated that, based on the hearings, John will have some preliminary comments or a report before us on Tuesday morning so that we can go through it and study it?

Mr. Eichmanis: I can do just a sort of aide-mémoire to indicate where I think that the committee has made some suggestions or recommendations. If that is agreeable to the committee, I will have that typed up and ready for Tuesday morning.

Mr. Breaugh: I don't think we need Hansard.

Mr. Chairman: All right. We won't have Hansard. I think the important thing is, Herb, is to read the copies of Hansard you have now. I would think by the end of today you will have copies of most of our meetings, and they are excellent from the point of view of preparing you for next week's meeting.

Mr. Eichmanis: Yes, because I may have missed something. I will try to cover all possible things, but there may be things that you are interested in that I did not pick up or something.

The committee adjourned at 12:15 p.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

AGENCY REVIEW

QUESTION PERIOD PROCEDURE

THURSDAY, OCTOBER 1, 1981



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Clerk of the committee: Forsyth, S.

Research Officer: Eichmanis, J.

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, October 1, 1981

The committee met at 10:14 a.m. in room No. 228.

AGENCY REVIEW
QUESTION PERIOD PROCEDURE

Mr. Chairman: I see a quorum. Before we start our discussion about the review of procedures relating to question period, you have a list in front of you of agencies that have been reviewed by the committee to date. Somewhere, as well, we have a list of the number of agencies that have not yet been reviewed by the committee. What time period is this, Mr. Eichmanis?

Mr. Eichmanis: This year it is the fourth review, and then going back each year.

Mr. Chairman: I must say they were quite active the first year. I would assume that the committee met with these agencies through the year when the House was in session. Is that correct?

Mr. Eichmanis: I was not there at the time. Perhaps Mr. Breaugh could answer that.

Mr. Breaugh: In the first year we attempted to get groupings of regulatory agencies, advisory agencies, and then to pick from those a cross-section. We did two a day for about three or four weeks. When we had finished that process we decided that we were not very happy with it, that we wanted to spend more time on each agency.

In the first year we attempted to get a cross-section of every kind of agency that was out there. Having done that and having set up some ground rules for them, we thought it was more important to spend a little more time researching and talking to a smaller number of agencies. I am not sure in hindsight which is the best way to go.

I rather like the idea of what we are doing now, of taking a smaller number and spending a little more time researching it, and perhaps at least providing for more occasion for the committee to do it, because the first year we could not get through them. We did two a day, and some of them got a pretty light treatment.

Mr. Chairman: It was suggested yesterday that we have one of the agencies appear before us about once a month, starting about November and carrying on, I would assume, until June when the House normally recesses. Is that the wish of the committee, assuming, Mr. Eichmanis, that you feel you can handle the necessary preparatory work and background material and also that these people will attend without any great problem in putting together a schedule or agenda?

Mr. Breaugh: If I could speak to that, my personal preference would be to maintain a system of hearings that are in effect groups. Maybe what you might want to do is to do this process two or three times a year but set aside perhaps a week in September, a week in January and a week in June, and do it that way.

There are two basic reasons. One is simply that, for me, it is a little easier to get the research and get into the pattern of reviewing an agency on a quarterly basis, rather than trying to do it once a week or once a month. The other problem that I think you will run into is that you will find some of the agencies have a staff and so it is fairly easy to gather the information, to contact them, and to get them in here. Other agencies have virtually no staff and their board comes from all over Ontario. Just to make contact with them will take you a couple of weeks. To get information out of them and get the board together may take a bit longer. It may be awkward to do unless you are prepared to give them two or three months' notice.

I guess you could go to a monthly set of hearings, but then what you would be doing is reviewing one or two agencies each month. I would prefer to go the other way around and group them and, two or three times a year, have a set of hearings that go for a week or two and bring before the committee perhaps five or six agencies at a whack.

It gives you the lead time to do the research, which is not always easy to do. Also, it makes my schedule as a committee member easier to set up because one of the things that we found in the first year, for example, is if we do not have all of our committee members sit through all of the hearings, by the time we sit down to write a report, half of our committee will not have been here when the agency was in front of the committee.

Then we spend a lot of time going back over it. They want to ask all the questions that have already been asked. They want information that the agency has already given. There is a lot of repetition involved. I do not know whether other members would share this judgement, but I would say that the committee sometimes was not very coherent because they just were not here. They didn't know what the agency was about because they were not here for the hearing.

10:20 a.m.

Scheduling, from the committee's point of view, is kind of important. I think it is important that each member of the committee who is going to sit down afterwards and sign a report which says this agency is good, bad or indifferent, or ought to go or ought to get more money, should do so only if he has been here for the full set of hearings and knows what the agency is about. I feel they should have read the research, listened to them when they were in here and heard the questioning that went on. It is the kind of activity that cannot really be done on a hit-and-miss basis. I think you have to really set aside some time. Maybe you want to do it two or three times a year, but you should block it out, get them in here and go through the exercise in that manner.

Mr. Watson: Are you suggesting dates when the House is not sitting? Is that implicit in your remarks?

Mr. Breaugh: We found that it would be difficult to do it when the House is in session and when the other committees are going because that is where we run into the problem of half our committee not being there because they are off at a caucus meeting or another committee meeting. We run into that kind of problem. We found it was easier if we said to people, "Clear the last two weeks in September. Get rid of your other obligations and come in and sit on this agency review." I think you can do that a little easier when the House is not in session.

It would be possible to do it when the House is sitting but then, for example, in my caucus there are going to be occasions when I am needed by the caucus somewhere else. They are going to say, "The priority of the caucus is not the hearing that is going on on the farm pollution board in procedural affairs. You have a bill that you have to take through the justice committee." You avoid conflicts by doing that.

Mr. Watson: I would concur with that really from the standpoint of the people whom we are reviewing because often they bring some pretty high-priced help here and they are busy people too. If we bring them in when the House is sitting to appear before a committee and the bells start ringing and we are not here, their time is lost and our time is lost.

Mr. Breaugh: We had problems in the first year with the Ontario Arts Council because they have a large board and not a lot of permanent staff. Frankly, the only time we could get them without getting a little high-handed about it--I suppose we could have subpoenaed them all and dragged them all in here--was when we could mutually arrange a hearing in an evening session.

We ran into that with a few of the other agencies as well. There was some difficulty with the agency getting their board in because people were from out of town. For most of them it is not a full-time job; they do that one or two days a month. Just to be decent about it, you have to schedule the hearings at their convenience.

Mr. Chairman: Are there any other comments?

Mr. Charlton: I would tend to agree with Mr. Breaugh's comments. What I have found from my three years on this committee is that the other things, the procedural things that this committee gets involved in--there are some exceptions to what I am going to say when we get a specific reference about a specific case to this committee--are longer term, such as the report we did on the committee structure. We went through that discussion a number of times with a number of different people.

We had House leaders before this committee talking about things that members had raised with this committee about the committee structure, and doing that kind of thing during the sessions was not too harmful because those members that missed

certain occasions got to go through the discussion again when we were discussing it with somebody else. I did not find any real difficulty in that procedure because, like other members, I occasionally had to miss sessions myself.

With the agencies, basically we are attempting to do a one-shot review, and I think it very difficult in that light to do that effectively during the sessions. I would have no objection if we wanted to consider doing it twice a year, once in the summer break and once in the winter break, in order to look at more committees and agencies, and so on. I think it is important that with this kind of a procedure we stay in the off-session period.

Mr. Chairman: You spoke yesterday, Mr. Robinson. You thought you would like to meet at least once a month with one of the agencies. This has more or less been shot down this morning for various reasons. I think you have probably heard. I think you have probably heard most of it.

Mr. Robinson: Yes, I did. There is merit in what they say, Mr. Chairman. I think back to some of the difficulties that we had meeting on a regular basis during the last time the House was in session. I guess if there was a flaw in my argument yesterday it was not taking into consideration the fact that we might be standing people up who were not at this full time, sort of standing them down more than once.

I was thinking more of it in terms of either considering the preparatory remarks of Mr. Eichmanis or our own conclusions. I can see that. In lieu of being able to do it while the House is in session, I guess realistically that might cost us four or five agencies a year. But even if we do four or five more, we are still ahead of what we were doing by doing just four or three a year.

I certainly would be prepared to support a recommendation that we do it only during the nonsessional periods, but that we attempt to do more than four. We might be able to stretch it over an extra week, for instance. I think we all had ample opportunity, thanks in a good measure to our researcher's preparatory work, to ask intelligent questions and hold concise discussions with the people who were before us. It did not drag on for days and days as if we were trying to figure out what their background was.

I would like to think that if we applied ourselves a little more stringently, or for a few more days, we might be able to do six at a time. I would certainly be prepared to accept six at a sitting in a nonsessional time in lieu of attempting to do them while the House is in session, if that is agreeable.

Mr. Chairman: Any other comments?

Mr. Epp: I suggest we keep in mind we had that trip to California and so forth. That may not be the case in the future and so we could very well do more.

Mr. Chairman: Not to California.

Mr. Robinson: That lost procedural affairs a week.

Mr. Epp: It did not lose it in the sense that we were in a different place. It would not be difficult to put one in that way.

Mr. Chairman: Gentlemen, I am looking at an 1982 calendar at January. I see that January 12 is a Tuesday. Are you interested in three days that particular week, January 12, 13 and 14, where we could handle at least four. Depending on the particular agencies, we might be able to handle as many as six.

Mr. Robinson: Not in three days.

Mr. Chairman: No. It really depends. If we have three or four farm pollution advisory boards, we could probably put in a dozen. I do not know. I am just saying it depends on the agency.

Mr. Watson: If we are having a lawyer, are we going to do the bar association? That is going to take a month.

Mr. McLean: You have to give more time for the farm representatives.

Mr. Epp: Mr. Chairman, maybe this is the time to raise another matter which is very relevant to the scheduling. It has to do with the trip to Great Britain. I understand that there was some talk--unless this discussion has gone on before I came here this morning, and I do not think so--that we were going to go around February 14 or 15. In view of the fact that the Liberals are going to have their leadership convention on February 19, 20 and 21 and that the New Democratic Party is going to have its on February 5, 6 and 7, I think, there would be time to go in between, or we might go after, or whatever. Has there been any discussion on that?

Mr. Chairman: We decided yesterday--maybe you were not in the room--on January 22 to 31 for the trip.

Mr. Epp: I am sorry, I was not aware of that. When did that happen?

Mr. Chairman: It was about the end of the day.

Mr. Epp: That was right after I stepped out. I am sorry for raising that matter then.

Mr. Chairman: But you are correct. There would be time in February now. If you fellows are not getting back from Fiji before January 15, that rules out that week.

Mr. Robinson: Who is going to Fiji?

Mr. Chairman: If you are available on January 12, 13 and 14, I would think we could handle four, or maybe three, again depending on the agencies. Then we have time in February if you want to have another three-day session.

10:30 a.m.

Mr. Breaugh: I think it is not a bad idea to stick with one a day because it is kind of hard to judge before they get here whether you want to take the whole day, part of the day, or whatever. We found in the first year we were backing people up. The committee gets paid to sit around, but a lot of these people who are coming in do not. That is why in the second year of reviews we went to the one-a-day format. Then if we were going to take all day with them, it was fine. They were here at 10 in the morning and we could do that. But we did not have people waiting in the wings for us to dispense with one agency so they could get on.

Mr. Robinson: What if we do one a day and then consider the reports of that agency the same day, rather than if we tried to catch up on them two weeks after we had seen them or after we had actually done them? Perhaps Mr. Eichmanis is taking notes and sees areas of concern and discussion. I do not know if there is some improvement by not doing it until there has been some fullness of time. It seems to me that if we are planning on one a day, the time to recommend on them might well be as soon as we have seen them.

Mr. McLean: Mr. Chairman, I think that leads to another question. Is the time to review them and to deal with them after we have dealt with them when Mr. Eichmanis has brought in a report, as he has done on this procedure? That saves us a lot of time then, when we get down to making our recommendations.

Mr. Eichmanis: The only point I would want to raise is that if you are going to be doing one a day, and you will have consideration possibly after the agency appears, do you then dispense with having interest groups come in if there are already interest groups involved with an agency?

Mr. Robinson: I think that defeats the purpose.

Mr. Eichmanis: So the question is, can you do the agency and the interests groups in the one day?

Mr. Robinson: We did them this time. We found that most people, particularly on the racing commission, kept sending in written submissions that kept trickling in here for days and days.

Mr. Eichmanis: In some cases I think there will be no problem, but in the instance of something like the Ontario Labour Relations Board you could have everybody.

Mr. Robinson: With respect, we would measure that at the time and set everything else aside.

Mr. Eichmanis: If you want to have the interest groups, then I would prepare a list of the possible interest groups and the committee could make a choice as to which interest groups it would want to have appear.

Mr. Chairman: Do you want to tentatively look at that week in January? Let us look at January 12, 13 and 14, Tuesday, Wednesday and Thursday.

Mr. Robinson: Can I suggest the Thursday before?

Mr. Chairman: All right. It is just that it cuts up a week.

Mr. Edighoffer: What would be wrong with having a briefing on the particular board or commission that is before us, say, from 10 to 11 in the morning, and have them in at 11?

Mr. Chairman: Now there's an idea.

Mr. Edighoffer: That would not even take an hour, maybe just a half an hour.

Mr. Chairman: If we could handle it in half an hour and these gentlemen are here at 10 o'clock, we could schedule the attendance for the agency at 10:30. Let us look at January 12, 13 and 14 and let us see if we can handle four. I think we can handle four. For your interest, you have the list there of the ones we have reviewed to date. Assuming that you want to see others rather than those on that list, we have a lot of meaty stuff we have not seen.

I can reread them to you: Ontario Energy Corporation, Ontario Securities Commission, Board of Censors, Ontario Drainage Tribunal, Wolf Damage Assessment Board--we will put that for Thursday afternoon--Urban Transportation Development Corporation, Toronto Area Transit Operating Authority, Ontario Police Commission, Rabies Advisory Committee, Ontario Development Corporation, Denture Therapists Appeal Board, Board of Directors of Masseurs--that is another euphemism for you know what--Waste Management Advisory Board, Environmental Assessment Board, Ontario Energy Board, Ontario Science Centre, Conservation Review Board, John Graves Simcoe Memorial Foundation Advisory Board--JGSMFAB--Residential Tenancy Commission and the Pension Commission of Ontario. I would like to see those first three come in.

Mr. Breaugh: Let Mr. Eichmanis do a little work on the recommendations for us.

Mr. Chairman: Yes. You have some preference, do you not? I would like to see that Board of Censors in. That is really timely.

Mr. Epp: I would like to see the Ontario Securities Commission.

Mr. Robinson: I am sure you would.

Mr. Chairman: I just think those are important

Mr. Robinson: Mr. Chairman. I do not think the Ontario Securities Commission is a good choice at the moment.

Mr. Chairman: Why not?

Mr. Breaugh: I think those two are very good choices, the censor board and TATO.

Mr. Chairman: All right, TATO. What about the energy board? I would like to find out how these guys get these rate increases without too much hassle. Would you like the energy board?

Mr. Watson: I think that would be topical.

Mr. Chairman: And would you want the Ontario Science Centre? That would take a couple of hours. We do not want John Graves, for goodness sake.

Mr. Epp: The Ontario Police Commission would be a good one.

Mr. Chairman: The Residential Tenancy Commission?

Mr. Epp: The Residential Tenancy Commission. We went over that whole thing a year or two ago.

Mr. Chairman: All right. There are your four: the Board of Censors, TATO, Ontario Police Commission and Ontario Energy Board. That is a full plate. We are not going to keep you that busy this fall. It is up to the committee. Mr. Breugh, you can help me on this. What should we be doing this fall when the House is in session?

Mr. Breugh: We should go back over the standing orders because we have got a pile of small things there. We agreed that at the end of each session we would do that review, mostly so that if you want a reprint on standing orders you can get it ready and printed and available for the beginning of the spring session. There is a lot of housekeeping. There are not a lot of major items but there are little things which I do not suspect will take a lot of time, but we could get that cleaned up and have new standing orders printed.

Mr. Chairman: We have invited the Speaker for October 22, which is a week from the Thursday after we open. That will get things rolling from that point of view.

On the review of procedures relating to question period, we mentioned yesterday Remo Mancini was anxious to have this on the agenda but, unfortunately, he cannot be here today because of sickness in the family.

Mr. Robinson: Did not Mr. Rotenberg want it as well, Mr. Chairman?

Mr. Chairman: Mr. Rotenberg wanted to be here, and that is why we scheduled it this morning specifically to accommodate him. Are the holidays still on? It is probably like Jamaica. They have New Year's Day and then they have recovery day after that.

10:40 a.m.

Mr. Edighoffer had a chance to speak to Mr. Mancini on the phone this morning to get some idea of what his particular suggestions and objections were to the present procedure relating to question period. Do you want to comment on that to help get the discussion under way?

Mr. Edighoffer: As you all remember, back in May Mr. Mancini suggested that we should look at the standing orders because of the different numbers of members in each party in the Legislature. Since that time I think our clerk has supplied us with procedures in all the legislatures as well as the House of Commons. If you look at that very carefully, you will note that all legislatures and the House of Commons have a question period, but the direction that question period takes is left entirely up to the Speaker. It is not spelled out as specifically as it is in our standing orders.

I think the problem Mr. Mancini and our caucus had with the present standing orders was the fact that they state: "The order of oral questions shall start with two questions from the Leader of the Opposition, followed by two questions each from the leader or leaders of other opposition parties in order of their membership in the House; all parties shall then rotate in questioning, starting with the official opposition." I believe he suggested in his remarks last May that we should perhaps consider, because of the makeup and numbers of the opposition parties, giving two questions to the leader of the official opposition and one question to the leader of the third party.

However, I appreciate that if you go on a ratio basis that is two to one. Actually, the ratio in the House is three to two, which of course makes it very complicated.

Mr. Hodgson: It will be more complicated if Bob Rae gets in there and doesn't have a seat in the House.

Mr. Chairman: Can he ask questions from the gallery?

Interjection: That's right. He could.

Mr. Watson: I thought the number of opposition members had changed. There is a simple way to solve this. I noticed one of them was cut to three quarters of an hour. Because we don't have as many opposition members to ask questions, we could cut down the time of the question period proportionately. Maybe we could have three quarters of an hour for question period.

Mr. Edighoffer: A lot of them are 40 and 45 minutes long.

Mr. Epp: And they sit five days a week.

Mr. Edighoffer: It's interesting to note that in the House of Commons they don't have any set rules other than the length of the question period. I noticed that in what Smirle Forsyth gave us here regarding what they do in practice it said that the procedure is based on the number of seats held by the opposition parties in the House, and it is reviewed after each election. So it's left entirely up to the Speaker. Maybe that's the way we should go; maybe we should put it back in the hands of the Speaker.

Mr. Breaugh: I'm not that unhappy with the way we do it. I'd like it a little bit better if it were laid out in the standing orders rather than left totally to the discretion of the

Speaker. Having seen the question period in a number of legislatures and in the federal House, for all of its faults ours at least--maybe it's just because I'm used to it--seems a little more effective as a means of having an exchange. In the federal House if I were a Liberal backbencher I would object to the notion that it's virtually law that I rarely get a chance to ask a question, if at all. It's the worst kind of law because it is an unwritten law and you can't do anything about it.

As to going to a ratio each time there is an election, in this House if you decided you wanted some kind of ratio thing, I would think it quite logical then that the government members get three questions to the Liberals' two questions and to our party's one question. I don't think that makes a lot of sense either.

The one change that I'm prepared to talk about a bit is whether the question period should be so dominated by two things: first, the opposition leaders, who get two questions and then supplementary questions, and then there is an obligation for somebody else to get in on it as well. The upshot of that really is that by the time the opposition leaders get through with the question period it's at least half gone if not pretty well shot for the day. In part, the precedent is there that if Stuart Smith asks a question our leader has to get in on it and then the critic has to get in on it. If the Liberal critic gets in on it, then I have to get in on it.

I'm not sure that I have ever seen anybody report a response to a supplementary question in my life, but it seems that the obligation is there that you're not doing your job if you don't try to get in on it anyway. Maybe we would be better off if we simply asked the Speaker for one session to say, "Okay, give them one question apiece. Each of the opposition leaders gets to choose the topic he wants to focus on for that day. So they get a question and they can have a supplementary, and that's it." In other words, cut down on the supplementaries and cut down on the opposition leaders dominating the thing quite so much.

Other people have suggested running a clock on this thing as they do in some jurisdictions. I'm not sure that makes a lot of sense either. If it's a good issue at question period it may well be that it makes sense to spend the whole question period on one issue. I don't like the clock idea.

It would make some sense to me at least to consider or perhaps even try for one session letting each of the opposition leaders pick an issue a day that they can raise in question period. They could pursue that with a supplementary, perhaps even two, at the discretion of the Speaker. But there's no need to have everybody else jump in with supplementaries as well. That's basically just the Speaker recognizing who has the floor. You might consider that one.

It's tough when you get into the ratio stuff. As Mr. Edighoffer says, you really get into a formula there of whether it is two to one or three to two or whatever. I kind of like the idea. When you go to Westminster, for example, you see government back-benchers using the question period just as much as, if not

more than, opposition members. I think that's kind of healthy. I don't know if we would do a great job on that, but I would like to keep the notion that all three parties should have a chance to participate in question period and, in particular, that ordinary members have that hour during the day to get their local issues or their particular critic's responsibility on the floor of the House.

The only reason I am prepared to talk about limiting the leaders is that it has been my experience--and I think it's shared by most people--that the leaders really dominate. For the leader of a party to make news, he really doesn't need to ask a question in the House. In my view, it would be fair for him to pick the issue he wants to highlight that day and ask his question inside, and then go outside and do whatever he wants to do out there. I don't know if he really needs two to accomplish that.

Mr. Chairman: Yes. Most of the reporting is a result of the interview outside the House.

Mr. Breaugh: Yes.

Mr. Robinson: I wonder, Mr. Chairman, if I could ask Mr. Breaugh a couple of things relating to his comments. Are the opposition leaders--and I can't answer this--very possessive of those two questions?

Mr. Breaugh: Yes, but probably not the leaders as much as the leaders' staffs.

Mr. Robinson: The point is that one of the major differences between here and Ottawa is that in Ottawa the Leader of the Opposition is recognized and then the Speaker will allow the Leader of the Opposition or his delegate. Our standing orders don't provide for that. Our standing orders provide that question period "shall start with two questions from the Leader of the Opposition, followed by two questions each from the leader or leaders of the other opposition parties."

Mr. Breaugh: But our practice is to allow the leaders to delegate that if they are not present for the day or if on the off chance they might want somebody else to do it.

Mr. Robinson: I'm just wondering if that isn't a defect in the operation of the question period that we as a committee can't control. I think it's a little bit cavalier for us to recommend that the leaders of the opposition parties be more generous with other members of their own caucuses in the allowance of placing those questions. Your point is well taken, but I really don't see how we can recommend what the leaders of the opposition parties should do. I don't think we can amend the standing orders to accomplish it.

Mr. Breaugh: You could amend the standing orders to say that each opposition leader gets one leadoff question instead of two.

Mr. Hodgson: The big problem is not the two questions of the opposition; it's the supplementaries. That takes all the time. You spend all question period on one question with all the supplementaries coming along.

10:50 a.m.

Mr. Epp: In all fairness, Mr. Chairman, although a lot of time is taken up with the questions, I think that often in the House even more time is taken up with the answers in the sense they go off on all kinds of tangents. Everybody recognizes that the Premier is probably the best at this, that he often doesn't answer a question. I'm not trying to become partisan here, but he often doesn't answer a question and he is very effective in diverting attention from the question.

Mr. Hodgson: He makes a speech, but he doesn't answer the question.

Mr. Epp: That's right. That has taken up a lot of time in the question period. Personally, I would like to see a fairer distribution of the question period from the standpoint of the two opposition parties. Three to two would be more satisfactory, but I'm not sure I want to give that extra time to the leaders necessarily. Maybe the two leaders could ask the questions, but then following the two leaders the Liberals would have a chance to ask two questions there and then go to the NDP and then back and forth after that point. Maybe that would be a fairer distribution.

Mr. Chairman: What about the idea of restricting supplementaries to the questioner, particularly in respect to the opposition leaders?

Mr. Epp: What about restricting them to that particular party, as they do in Ottawa? For instance, if the Conservatives ask a question then the NDP doesn't get up, or if the NDP asks the question the Conservatives don't get up. It pretty well restricts it to the political party that raises the issue. I think that would cut down on some time. What often happens now is that if Mr. Breaugh asks a question, the critic in the Liberal party then feels obligated to get up and ask a supplementary and get in on it. Then he gets another supplementary and so forth, and this keeps going on. I think that drags it out. If you left it to the individual and his particular caucus, that would certainly limit the time allowed.

Mr. Edighoffer: If I remember correctly not too many years ago we had to give our questions in writing. Am I not correct in recalling that the person who put in the written question was the only one who could ask a supplementary? It wasn't free-wheeling the way it is now. So perhaps we would be going backwards.

Mr. Breaugh: Yes. When you go to Westminster you find the silliest thing is that every question must be written and printed. Obviously, at 10 o'clock in the morning you don't want to tell the government what the question is that afternoon, so you ask him, "What's the minister's itinerary for next Tuesday?" When you read their Order Paper for the day you will see 85 questions asking, "Where is the minister going to be next Tuesday?" That's the written question. Then when the guy stands up and says, "Well, next Tuesday I'm going to be in south London," or whatever, you get up and say, "While you are there what are you going to do about the pollution in my riding?" or "When are you going to build a bridge across the river?" So it becomes silly after a while.

In the Alberta House they are really tough on supplementaries. The question period is certainly orderly there, but nothing happens. You have to be extremely polite.

Mr. Robinson: They found the perfect balance.

Mr. Chairman: What have they got? Four opposition members out there?

Mr. Breaugh: There are four downstairs and one sitting up in the gallery watching what happens.

Mr. Hodgson: It wasn't the supplementary questions that delayed the Legislature in the last session; it was more these points of privilege on one thing or another. My God, everybody was jumping up on a point of privilege.

Mr. Chairman: Well, you can't control that.

Mr. Breaugh: There is something that is useful to consider, though maybe not right now. Here the obligation is to walk in at the first opportunity--that is, when the Speaker has finished prayers--and to raise a point of order or a point of privilege. In other jurisdictions they say you can't do that. You have got to wait until the question period is over. Then if you think your privileges have been offended in some way, that's the time to do it.

The difficulty here is that by doing it right off the bat you can delay the question period. This means that the cameras are up there and the temptation certainly exists, if you have some neat little thing and you couldn't get a question on it for that day in your own caucus, to go in and raise a point of order or a point of privilege and get all that attention paid to your particular point.

Mr. Robinson: You did that with that guy on the steps with the truck full of dirt, by way of example, if my memory serves me

Mr. Breaugh: That is right. It might be useful to raise matters of order and privilege at the end of question period as opposed to the beginning. In this House, the way our rules are written you have to raise them at the beginning.

Mr. Robinson: I suggest we simply add another section under the standing orders, Statements by the Ministry, Oral Questions, and then matters of privilege.

Mr. Breaugh: In the federal House, all of that happens at the end of the question period.

Mr. Robinson: That's right.

Mr. Breaugh: Perhaps that is not a bad thing to do.

Mr. Robinson: Mr. Chairman, could I bring two things into this? They are two things that are a matter of interpretation, and I will draw a conclusion from it. The first is a matter under section 27(a) which deals with oral questions in the preamble and refers to "questions on matters of urgent public importance." I don't want to get into what may or may not be urgent public importance, but that is something that at best lip service is paid to when people are asking questions.

More important than that--and it goes back to the matter of supplementaries--is it says, "in the discretion of Mr. Speaker, a reasonable number of supplementary questions arising out of the minister's reply..." I haven't heard a supplementary yet that arose out of the minister's reply particularly. It always seemed it was the second question on the questioner's list no matter what the minister was going to respond. Again, it is a matter--I don't want to say abuse particularly--of interpretation.

Mr. Breaugh makes the point he has made before about the effectiveness of ordinary government members being able to use the question period. I think I have used it once or twice, but we can go through a whole question period quite easily around here without it ever being our turn. Perhaps there is merit in going to one question from each leader and then a government question. Starting the rotation two questions earlier is really what it does effectively. Maybe that gives everybody more opportunity.

Is there really a necessity for there being four opposition leader questions before anything else, before anyone else has a chance? I don't know what the record of it is. Maybe Mr. Eichmanis or Mr. Forsyth knows. I would venture there were a number of question periods when we never beyond that for whatever reason.

Mr. Breaugh: The only disadvantage I see in limiting the leaders to one question is that you cannot write down that all the cabinet has to be in there right at two o'clock. Often the caucus staff will work up a question for the leader for the day, and it would be kind of rank to have him go in there and, because the minister is chatting in the hall outside or has had a late lunch or for whatever dumb reason, the minister did not get there right at the beginning of question period.

For example, Dr. Smith would be in an awkward position if his research staff had prepared a good question and a good workup for the Minister of the Environment and the Minister of the Environment was anxious to be there and get at this thing, but he got held up in the hall, signing a document or something.

Mr. Chairman: There is nothing to prevent the Leader of the Opposition asking a question some time later, half an hour or 40 minutes after question period started.

Mr. Breaugh: The federal House tries to do that. The leader can delegate. For example, if Joe Clark walks in and he sees the guy he wants to question is not there, he will have some of his other front-benchers or back-benchers start the questions, and then he kind of rises in his place, as they say, and asks his leadoff question, even though it might be 15 or 20 minutes later.

Mr. Robinson: In the scenario you are developing, if at the beginning of question period the opposition leader was to rise and indicate to the Speaker that his question was of the Minister of the Environment, who was not in attendance, and that he would yield the floor pending his arrival, with the clear understanding either in the standing orders or by agreement that when the Minister of the Environment arrived, no matter what point we are at in the rotation, then the opposition leader could reclaim the floor and ask his question.

Mr. Breaugh: It gets so messy when you do that.

Mr. Robinson: It is not as messy as what we have seen lately and it is not as messy as padding. That is what we are doing, padding a second question in there in the hope that we will get one out of two off the top. If the Minister of the Environment isn't there, hopefully the Minister of Agriculture and Food will be, and if neither of them is there, hopefully the Premier or the Deputy Premier will be. I think it is more effective if you know who are waiting for questions and you get to--

11 a.m.

Mr. Breaugh: The real problem with the question period--and you will see it in this little report on other legislatures--is that it is a very difficult thing to try to nail down precisely in standing orders. A lot of it, by its very nature, has to be at the discretion of the Speaker.

For example, when we get into this argument about whether it takes more time for opposition members to ask a question or the minister to reply, do we really want to get to the point where we say the minister has to tell the whole truth and he has to do it in 30 seconds? You can't do it. You could probably write a standing order like that but how would you ever enforce it? It has to be up to the Speaker to use a little discretion in who he sees. This Speaker has made a couple of attempts now to cut back on the supplementary questions and he has kind of told the House, "These are my ground rules for what I'll hear."

Mr. Hodgson: Then the person he cuts back on gets up on a point of privilege. This has been our problem. It was never as bad a problem as it was in the last session. Prior to that, things went along pretty well, under the regulations we had prior to that. I don't think there is any need to make great changes in the question period. It has worked over the years, except for this last session, which was the fault of the members themselves.

Mr. Chairman: What about the practice when somebody asks a question of a minister or a provincial secretary and the answer is, "I really don't have the information to that, Mr. Speaker, but I will take it under advisement and reply at a later date?" Nine times out of 10 there is a supplementary to a non-answer. I think it should be prohibited.

Mr. Robinson: The only thing that can arise from the minister's answer on that would be a supplementary dealing with when the information will be returned. There is nothing else offered in it.

Mr. Breaugh: What is very hard about that is that if the minister doesn't want to answer it he just says, "I will take that under advisement."

Mr. Chairman: He doesn't have to.

Mr. Breaugh: I don't know if you can mess with this much more than we already have. I have seen it in different places, and the only real difference is the decorum of the House. That has more to do with how they are used to dealing with things. Some are a little rowdier than us; some are very quiet. I don't see that much wrong. The only thing I see wrong is that I would like to think that everybody who is an ordinary member in all three caucuses has the chance to participate in question period. That doesn't happen now.

Mr. Hodgson: I think that could be accomplished. After the leaders have their questions, I think it should go back to the official opposition for a question from a member, not from the leader, then on to the third party. Then the Speaker should be obligated to look over to the government side of the House, and if there is anybody standing he would give them a chance. That would be very simple.

Mr. Robinson: But the government gets--

Mr. Hodgson: Yes, but he doesn't look over.

Mr. Robinson: Oh, he does.

Mr. Breaugh: He does follow the rules. When we use the rotation method, I feel that all the Speakers I have seen here take a look around in rotation.

Mr. Hodgson: The only way I can get on is by sending a note down saying I would like to ask a question. Otherwise, it is all over in the west side. If you've talked to members over the years on our side, you will see that. If you want to get on at all, you have to send the Speaker a note to draw to his attention that we are standing.

Mr. Robinson: The first opportunity the government gets is the seventh question of the question period. To be partisan, that is two Liberal, two NDP, one Liberal, one NDP, and finally one government. That is the seventh question down. I am saying that if we are really trying to protect that system, as often as not, you've got trouble getting to seven questions in an hour, or it may be very close to the end of question period before we have an opportunity.

There is no real solution to it. You cannot inscribe it in granite because it probably won't work. If the opposition leaders didn't so jealously guard their two questions, members of the opposition might be more effectively able to use those six initial questions. Beyond that, if it were reduced to one question from each leader, we as PC ordinary members would then have the fifth question of the question period opportunity rather than the seventh. That is more fair to everyone.

Mr. Chairman: I would like to get back to the question of points of order and privilege. There is no question that privilege seemed to get out of hand in the last session. I like the idea that we delay that privilege to the end of the question period. I think the question period will not take as long. It will be smoother with less disruption.

Mr. Breaugh: Just to interrupt for a moment, the one thing you could not do is say you could not raise a point of order.

Mr. Chairman: No. It would have to be privilege only.

Mr. Breaugh: Privilege is the stuff we are talking about. I think if just by convention we went through one session where the Speaker decided and told the House that he would be prepared to hear questions of privilege at the end of question period, because it is convention now which demands that you raise it at the earliest opportunity, which is right at the beginning of question period; if he just said, "I am prepared to hear points of privilege, whatever they might be, at the end of question period, but I will not hear them at the beginning," he would take us off the hook.

Mr. Robinson: One thing about that is that there are two different types of privilege, or two different opportunities for points of privilege. One is things that happen exclusive of what is going on at that minute during the question period, and then there are those that arise as a result of the question period. I think it would be reasonable and orderly to deal with those--like the guy on the front steps and why should we keep bringing him in--but those things that happen outside of the House could easily be heard at the end of the question period, either as points of privilege and to some extent points of order.

I think back on the Walker-Smith episode over the ministry of cover-up and whatever all else it was. That arose directly as a result of the question-and-answer session that was in progress. I think if you attempted to delay ruling on the privilege in that particular situation, you could effectively thwart the questioning.

I think you would just end the questioning of that issue right there. You could not do much else until the fundamental question of whether or not you could decide went on. If you were to draw some conclusions from that, I think you would have to declare that those matters which arise, exclusive of matters coming out of the question period itself, would be heard summarily or regularly following the question period and before the Orders of the Day, and those things that might arise during the question period would have to continue to be debated at that time.

Is that the middle ground?

Mr. Chairman: No. That does not solve it at all in my opinion. It does not solve the question at all.

Mr. Breaugh: I do not think they really are points of privilege. It is the Speaker ruling that you are out of order in some sense. You have used some language that you should not have

used and you get a chance to withdraw. You are not going to get away from that.

Mr. Chairman: No.

Mr. Robinson: But they are raised as points of privilege. All I am saying is that I agree with you, except that in that other set of circumstances I do not think we could effectively or arbitrarily rule that it should not be heard at that time, and we should somehow try to defer it for 45 minutes.

Mr. Breaugh: That is why I think you really have to go at this by simply talking to the Speaker and seeing if he is prepared to hear all of these privilege matters at the end of question period, instead of obliging the members to raise them at the first opportunity. If he is prepared to do that, I think you have a reasonably workable system.

Mr. Chairman: That will avoid the delay and the discussion ad nauseam on one particular question that was raised in respect to which is involved a question of privilege.

You mentioned questions of privilege arising out of something that has taken place prior to the opening of the House that day or the commencement of question period. I cannot see anything the matter with the Leader of the Opposition, as our friend Eddie Sargent has done on many occasions, getting up on a question of privilege, rightly or wrongly, before the orders of the day.

Mr. Robinson: That is what we are suggesting.

Mr. Chairman: I do not see anything the matter with that because that deals with something that might have been in the morning's press, in the media, or resulting from something that happened the day before. I think that should be cleared away immediately. I cannot see anything the matter with that. It usually gives that particular member a great deal of coverage, profile and attention.

The thing that I am concerned about is the disruption of the question period once it starts. I don't know if we can recommend that that be part of the standing orders or whether it be part of practice.

11:10 a.m.

Mr. Breaugh: This is the kind of stuff I prefer to deal with when the Speaker is here and we chit-chat about what might be a reasonable way to proceed. In particular, I am attracted to the idea that before we go around rewriting standing orders we have an opportunity to try it for four or five weeks, just to see if it really does make a difference. If it does make a difference, then I am prepared to say, "Let us rewrite the standing orders." But if it is no good, why mess up the standing orders?

Mr. Epp: There are two points I want to raise at this time. One has to do with the fact that sometimes we get questions answered by the ministers and it is a long statement that comes up during the duration of the question period, when in actual fact it should come as a ministerial statement.

The other part is the ministerial statements themselves. On some particular days when these come in, there are about four ministers who make ministerial statements and they take up sometimes 40 to 45 minutes, or it has been as long as an hour before question period has come on as a result of just long ministerial statements.

Mr. Watson: I thought there was a time limit of 30 minutes on that.

Mr. Epp: Is there a time limit?

Mr. Chairman: On Thursday only.

Mr. Breaugh: So that it does not interfere with private members' business.

Mr. Watson: Oh, sorry.

Mr. Epp: I know we are discussing a lot of things and I just thought I would throw that into the hopper because it does affect the question period. Although these go on before the question period, people come in there in anticipation of an interesting question period, and we have these long, drawn-out statements. I am not sure how you treat that, but it is just another point that I think we should discuss.

Mr. Chairman: You mean long answers to questions?

Mr. Epp: Long ministerial statements. Sometimes there are three or four of them in succession and they take up a lot of time out of the period that is expected to be for questions.

Mr. Hodgson: There is a time limit on those.

Mr. Epp: I know that in reality they do not take up any part of the actual 60 minutes. The other part of that is the first point I mentioned--answers to questions that have previously been asked. The minister was not in the House or did not have the answer. He or she comes into the House; then during question period they read out this very lengthy statement in answer to a previous question, which sometimes takes 10 minutes. It would not be bad if there was a good flow of questions and answers, but it is very monotonous at times.

Mr. Chairman: Statements, as you know, are part of the orders.

Mr. Epp: Yes, I know.

Mr. Chairman: That is one of the procedures of the day, Statements by the Ministry.

Mr. Epp: That is why I said I do not know how to handle that.

Mr. Breaugh: You wind up saying that you want the ministers to be succinct in their statements.

Mr. Watson: There is no problem with that if it is a matter in which you are interested.

Mr. Epp: Yes, that is the other part. It is very subjective in a sense.

Mr. Watson: It depends whose ox is being gored. If it is a rail derailment in your community and there are four or five ministers that are concerned about it, you are happy to sit there and hear the statements; but if it is somebody shooting wolves, you really are not keen.

Mr. Edighoffer: It is actually on the standing orders now that "the statement shall be given under 'Statements by the Ministry,'" but then it leaves it open. It says, "where any reserved answer requires a lengthy statement..." How do you define lengthy? It is open, and then often many of the ministers are not there during Statements by the Ministry and would always want to give it later.

Mr. Hodgson: They have always asked the Speaker.

Mr. Edighoffer: Then sometimes there is time added to the question period.

Mr. Chairman: As you know, Statements by the Ministry on Thursdays are limited to 30 minutes, which was an improvement, mainly because of the private members' bills so that we do not ruin the afternoon for that part of the day.

Mr. Breaugh: They usually ruin it in some other way.

Mr. Epp: It's incredible. There are very few questions that have to be debated.

Mr. Chairman: I suppose again this is up to the Speaker's discretion. I find that if a minister is asked a question and he really does not know the answer, there is no disgrace or embarrassment, in my opinion, to say, "I really do not have the information for the honourable member, but I will get it and give it to him personally and also make it in the House," or something to that effect, "and put it on the record." We find that the long-winded answers, the circumlocution, shall we say, occur when really the minister does not know the proper answer.

I would suggest--maybe it would be difficult to write it in the rules--that the Speaker could say to the honourable minister, "The answer was a little lengthy. The question really was not answered and I would suggest that maybe the answer be obtained and given at a later date," or something like that.

In my experience that is when you get into a number of supplementaries. There are some of the old vets in the House that hope somebody will heckle them and then, boom, they hang their hat on that little interjection and are way away from the question. That makes it lively--no question about that. Everybody gets into great humour. But it got out of control for a while, as we all know. I am just saying that does eat into the time of the question period.

Mr. Breaugh: If you wanted to speed up this question period you should put in one rule, namely, nobody can ask the Premier a question.

Mr. Hodgson: Many want to ask the Premier a question. I noticed towards the end of the last fall session Stuart Smith cut out asking the Premier any questions at all.

Mr. Breaugh: Some have given up. That is a matter of good taste, or good judgement at least.

Mr. McLean: Mr. Chairman, the only change I would want to see in it is that the points of privilege and personal privilege be changed to after the question period or at the end of question period.

Mr. Chairman: I think what we can do, gentlemen, is work up something for discussion when the Speaker is here on October 22. I would like to see really serious discussion about the idea of one question for each leader. That, of course, will not prohibit supplementaries. It does not prohibit the leader of any opposition party asking a later question.

I would hope it would not be abused by someone saying, "Well, for the question I wanted to ask, the minister is not in the House, may I defer and ask at a later time?" Hopefully, that will not be misused; I do not think it would. Also, there is the question raised about order and privilege and some of the other points we have discussed here about the number of supplementaries, about rotation, the unwritten rule, shall we say, regarding rotation and all that sort of thing.

I think probably, from what we said this morning in Hansard, that we can put together a number of suggestions for John Turner when he comes in. I would like to see some definite recommendations. Whether we decide to change the rules or not, I like Mr. Breaugh's suggestion that we make some definite recommendations and, unless there is some violent opposition from the Speaker, implement those for a trial period. If it really works and if he finds it works and the House generally feels that the time in question period is being used more effectively, maybe we can consider changing the rules at that time.

Mr. Epp: Mr. Chairman, to go back to a point that was mentioned earlier, which is that at one time I presume--and you and Mr. Edighoffer may be in a better position to correct me--when the proportion of representation on the opposition side of the House was that the Liberals had more members than the NDP, the Liberals had more questions initially.

11:20 a.m.

Then when the representation became relatively equal, 34-33 or 36-37 or somewhere around that neighbourhood, the number of questions for the opposition party was equalized, and justifiably so. Now that we have gone back to a different ratio again, I would think that in all fairness to the opposition parties, and particularly in fairness to the Liberal Party in this instance, it would be apropos to give it a greater number of questions.

If it was fair to move from a different number before when the representation was different back in the 1970s to an equal number in the latter part of the 1970s, then it would be equally fair to move back to where it was previously. I just appeal in all fairness of the situation to both you and the members of this committee to look at that particular point.

Mr. Chairman: Are you suggesting that actually the rules be changed to accommodate that, or that it just be something that we ask the Speaker to take into account?

Mr. Epp: I am easy on that particular one. I think maybe the Speaker could be asked to recognize the difference in numbers of the two opposition parties. I think, on the other hand, if the numbers were reversed and the Liberals had 21 members and the NDP had 34, we would have to live with a situation that recognized that particular difference.

Mr. Rotenberg: Mr. Chairman, I can see Mr. Epp's point, but you have to understand the principle you are establishing. If you say that and you establish that, then really the government members should have twice as many questions in the question period as the Liberal members and so on.

When you get to other matters such as emergency debates and votes of confidence where now the time is divided equally between the three parties, which we did when the three parties were close, when you get into some of these other debates where the time is divided equally, we, as the government, could say, "Hey, wait a minute. We should get twice as much time as the Liberals and three times as much as the New Democrats in some of these other debates." If you were going to the sort of philosophy that time should be based on size of representation, then with respect, I think you are going to suffer on some other things if we carry that to its logical conclusion in other matters as well as in question period.

Mr. Epp: I do not think so in all fairness because I think the way the parliamentary system works is that the government members sit on one side of the House unless you have more than about 70 seats, as you now have--sometimes they have gone around from time to time and taken some of the opposition seats, and heaven forbid for that to happen again--and the opposition members sit on the opposite side of the House and ask the questions.

I think it is an accountability of the government. As I see the question period--and correct me if I am wrong--it is the government, together with the back-benchers, being accountable for the policies that they espouse and that they have exercised. The opposition members, on the other hand, the official opposition, and the third party, are then responsible to ask the questions and ask the government to account for its particular actions.

Mr. Breaugh says that in England some of the government members ask questions and so forth and they do it early. We should look at that when we are over there. I think traditionally in Ontario and in Canada the government has a good opportunity to exercise or to articulate its policies and to answer any questions that the opposition may have. I do not think that it is as important for the government members to ask those questions as it is for the opposition to ask the questions.

Mr. Rotenberg: I see your point, but I say that philosophy would extend to things other than question period, if you are going to divide the time based on representation. In other matters, for instance, with the private bills, instead of rotating, we should have every other private bill because we have a majority of the House. As I say on matters like an emergency debate, each party gets so much time. Our party should get twice as much time as the other parties because we have twice as many members. In all those other things that philosophy might extend. I am not saying you are wrong, but I am just saying we could extend it to other matters as well question period.

Mr. Epp: I know what you are saying, but yet you have to recognize that there is an opposition and a government, and the government has a lot of opportunities, for instance, in getting up and making ministerial statements. Nobody in the opposition can get up and make ministerial statements for a maximum of a half hour on Thursday.

That is a prerogative that the government has, and nobody is suggesting that it should not have that prerogative. You do have opportunities that we cannot share as opposition members.

Mr. McLean: That is why you're in opposition.

Mr. Breaugh: The only thing I would like to add to this discussion is that the concept of rotation is as a good a one as you are going to get. If you go past that into some kind of formula, as they have in the federal House. I don't really think it works.

For all practical purposes when you watch the news in the evening you will see that people are interested in what the government had to say today, what the leader of the official opposition had to say and what the leader of another political party had to say. Those are the three news events in most days.

Juggling around with the proportion of it, I don't think makes much difference. To be precisely fair about it, I should point out that we went to this rotation basis where the opposition parties get equal time when we were the party that had the slight advantage; we were the official opposition. I think that and 40

cents will get you coffee in some places these days, but I don't think it makes much difference really to anybody. I would be reluctant to go off the rotation basis for the some of the reasons which Mr. Rotenberg has mentioned. I think that gets very dicey after a while.

Really I view the question period as being kind of a party function up to a point, that is, the leaders are performing party functions. After that it is an ordinary member's opportunity to ask a question. I really don't think that we will accomplish very much by moving to some change in the system there. I think it would be a messy thing to get into and it doesn't work. I think it sets a kind of unfortunate precedent for other things.

If the government members, for example, were screaming that they wanted three questions to our one and the Liberals would get two, I don't hear that coming from the government side either. I think most government members here are happy with the idea that at some time during the question period they can ask a question. You get that out of the rotation system. I can't see moving around to some other more complicated thing.

I have watched question periods in most Houses in Canada now and I think ours is about as good as you are going to get. If we could only improve the decorum of the members, we probably all would be happy.

Mr. Robinson: The opposition members at least.

Mr. Hodgson: I haven't heard any complaints--I am talking about myself--from any of the government members that if they had a question of real importance--and that is what a question should be--they didn't get an opportunity to ask it.

Interjections.

Mr. Watson: It was important to me because it dealt with my riding.

Mr. Breaugh: That's it. It wasn't important in the process of Ontario. I know we can't put this into the rules, but I know that the questions that are the most useful from an information point of view are the ones which the ministers have had some warning are coming. I don't know about the opposition members, but I understand that often they do that. If they have a situation which they are not going grandstand on, and all they want to know is what the government is going to do, they will warn the minister that they are going to ask it. By doing that, I think they get a much more intelligent answer than just standing up and--

Mr. Hodgson: I think you should put the ministers on the spot. It used to be too easy when you had a written question because they could have all their staff review it.

Mr. Watson: If you want a reasonable answer you will get a better answer. I realize we can't write it in.

Mr. Hodgson: Don't you agree with that, Mr. Chairman?

Mr. Chairman: Yes, I agree with that, but I think there should be more practice of parliamentary assistants answering these questions.

Mr. Hodgson: That would be one way to get in the news, wouldn't it?

Mr. Chairman: What about the idea, along with Mr. Epp's suggestion, or as part of a solution to his suggestion, where the Leader of the Opposition has two leadoff questions and the leader of the third party one, and then the normal rotation.

Mr. Breaugh: I find in the federal House it doesn't matter when Joe Clark asks his question or whether he has two, three or one--one of them is what will capture interest--the one that he leads off with is the one that is going make the difference.

It doesn't matter whether he does that at the beginning of the question period or, frankly, at the very end of it. He has one issue to raise during the day and that is all he is going to get. I would prepared to consider the idea that you limit both opposition leaders to one and make them pick the issue they want to highlight that day. I don't think it makes any real difference to anybody whether they have two, three or whatever.

11:30 a.m.

Mr. Chairman: Apparently in the federal House the Leader of the Opposition usually does not lead off.

Mr. Breaugh: That's right.

Mr. Chairman: He waits to see how things develop. Apparently they have even greater problems of getting the front benches filled in Ottawa than we do, so he waits for an opportune time. As with Diefenbaker, because he is of the right honourable gentlemen, all he has to do is stand up and immediately he is recognized.

Mr. Epp: One of the problems with that is that if you are the leader of the official opposition and if there is a particular item, for instance, a big story in the Globe in the morning, you say, "I've got to ask the minister a question based on the information in the Globe," after making a few calls. If he does not ask that first question, I would think, as a leader, he would think, "If I don't ask it, the NDP may very well ask it and I want to raise the issue in the House."

Mr. Breaugh: That would be his choice, whether he wants to go first, second or third or whatever.

Mr. Epp: Of course, I agree.

Mr. Watson: If we are going to move in that direction, then leave it to the chair. Why are we saying one? Why are we

saying leader? If we establish a rotation, then the Speaker recognizes the official opposition for the first question. Why are we so hung up on the fact that we have to recognize the leader? There are days when the leader is not there.

Mr. Chairman: On those days there is always an acting leader. That particular caucus arranges for the acting leader.

Mr. Watson: Okay, but why are we so bound on rules? If we agree that we are going to have a rotation, let the caucus decide. If the issue of the day is something that the critic of a certain party is up on and it is agreed in that party that the critic ask the question, let him ask it.

Mr. Chairman: What do you do? Do you just recognize the caucus?

Mr. Watson: You're going to know that you're going to go to the official opposition, the Liberals, for the first question and the NDP for the second question. I would assume that it would be fairly standard practice that the leader would ask the first question. Why do we have the rule?

Mr. Rotenberg: I agree with that, Mr. Chairman. This is something that the opposition parties would have to decide because it makes no never mind to the government side. If the first question is for the official opposition, the Speaker will look over to the official opposition. Somebody is going to stand up and ask the first question because I assume the leader has some control over his caucus. If it is the leader, fine. If the leader nods to whomever in the caucus, that person stands up to be recognized and to speak. Then you go to the third party, and either the leader stands up or someone else stands up.

I have noticed most of the time the opposition parties are programmed enough that only one person stands up when it is their turn for questioning after the leaders. Once in a while two people stand because for some reason the system broke down.

I cannot see any reason why we have to have this thing, the leaders, in the rules. I would like to make it optional to the caucuses if the leader wants to ask the first question every day. But the way the rule is now, if the leader does not ask the first question, he is sort of looked at as if he has some problems, whereas if it were not in the rule book and it became practice for someone else to get up, I think it makes it easier on the leader not to have the rule in.

However, I would defer to the opposition parties. If they still want that in there, I would not take it out, but I think it should come out.

Mr. Watson: At this period of history, it would be an excellent time to have that on a trial period, between now and next February or March.

Mr. Chairman: I agree with the idea of leaving it up to the caucus. Just from memory, the Speaker says, "Oral questions," and immediately the Leader of the Opposition stands up.

Mr. Rotenberg: If somebody else stood up for the first question, he might recognize him.

Mr. Chairman: But it is in the rules, and therefore he may say, "Dr. Smith." He is on the record as saying that and then Dr. Smith asks his question.

Mr. Rotenberg: If we wanted to have the federal system, he would look over to the Liberal benches and whoever stood up first he would recognize.

Mr. Chairman: Do we have to try this for a trial period? Would you have to have the consent of the House or something to circumvent the rule?

Mr. Rotenberg: You would have to have the consent of the caucuses, I think.

Mr. Breaugh: Our standing orders are a little warped on that in the sense that we do say that the leader of the official opposition will get the first question. Yet if he chooses not to, if someone else would rise, the Speaker would recognize him.

If he is not there, we do not technically say that somebody becomes the appointed leader for the day; he just stands up. It is usually the House leader or someone else on the front bench who gets up and takes the leadoff question. I do not think we really need to mention that.

Mr. Rotenberg: There has never been a time since I have been here that the leader of a party has been there and did not ask the first question.

Mr. Charlton: There were a couple of times when Stuart Smith has stood up and stood down, though.

Mr. Rotenberg: What we are saying is, in effect, that if we had an agreement that we would have a trial period when that was not in the rules, then it would make it a lot easier for the leaders if they wanted to.

Mr. Breaugh: I do not think it makes enough difference to bother with it.

Mr. Rotenberg: As long as it is in the rules, the leader feels he has to ask the first question.

Mr. Chairman: I think the House can agree on a trial basis to dispense with that.

Mr. Breaugh: This is the kind of thing where I think we would all want to go back to our caucuses and have a little pow-wow on this.

Mr. Rotenberg: It does not affect us, but you have to go back to your caucus if you want a trial.

Mr. Edighoffer: The thing that comes to my mind in the discussion is we are all hooked on this rotation stuff. Really, for one hour each day the House sits, we go on rotation. The rest of the complete session there is nothing in the rules that says you have to go on rotation. That has just automatically come about, has it not? The rule says that if two or three people get up, the person the Speaker recognizes gets the floor. Maybe we should go back to that.

I sort of feel strongly, after listening to the discussion, that the big problem is the length of time the leaders' questions and the ministers' answers have taken. I would really like to try it with one question from each of the leaders and then leave it wide open for the Speaker to make the decision according to the regular rules throughout the House. If you want to start with the official opposition, that is okay, or wherever you want to start.

Mr. Hodgson: There is no reason why the leader cannot ask the second question.

Mr. Edighoffer: If he wants to he could, or the leader of the third party can ask the second question.

Mr. Chairman: What about supplementaries? Do you want to make any recommendation or comment?

Mr. Edighoffer: I think we have to leave it wide open for supplementaries. If we want to set it at two, okay, that is fine.

Mr. Rotenberg: In the federal House basically, as a rule, the one who asks the supplementary is the one who asked the question. It is very seldom they get a supplementary from another member from another party.

Mr. Edighoffer: Earlier we talked about that. We did that years ago, but we have got away from that.

Mr. Chairman: Restrict it to the caucus.

Mr. Rotenberg: The other thing about timing is that so many of the questions are not a question, but are a three- or four- or five-part question which is why a question gets so long. In other words, if a question is limited to a question and not a three- or four-part question, that may be restrictive but, on the other hand, we would get a lot more questions answered.

Mr. Chairman: I think that again it is up to the Speaker, really, to use his discretion. If you get somebody improperly reading a three- or four-part question, and these are cold questions to a minister--whether he has got notice or not I do not know; he does not have to have--in those circumstances the Speaker can suggest, depending on how keen that minister is, that the question be put on the Order Paper.

Otherwise, you do not get very good answers. You usually get bogged down on the first part and the House gets raucous when you think of the number of supplementaries that would create. It is, as I say, up to the Speaker.

Mr. Rotenberg: One thing I had noticed, comparing Ottawa's to our question period, is that the preamble to the question in Ottawa is usually much longer than ours. They give a long statement and a short question. Something we have avoided is the long preambles to questions, and I think it should continue that way.

Mr. Chairman: Whereas, in view of the fact."

Mr. Charlton: If they gave a long preamble and shortened the question, it might be useful.

Mr. Rotenberg: The long preamble is usually a speech which ends up in a question.

Mr. Charlton: That is their technique in Ottawa for dealing with what happens here. The Speaker cuts off the Leader of the Opposition or the leader of the third party if he tries to make a speech before his question, but he does not effectively cut off the Premier from making a speech in his answer. I think that is how they handle that technique in Ottawa.

Mr. Hodgson: I would not go so far as to say that.

Mr. Charlton: When the speech becomes a 10-minute speech, then he decides to cut him off.

Mr. Hodgson: When Davis makes a speech you know he has made a speech. It is not just a preamble; it is a speech.

Mr. Charlton: It is usually a lecture, not a speech.

Mr. Robinson: I do not see why you would not want the benefit of that once in a while.

11:40 a.m.

Mr. Chairman: In Ottawa, I find there is a certain amount of provocation in those preambles: "In view of the fact that the government has failed to do this or that or the other thing". Then you get into a debate on the preamble because of the provocation, the accusation, and there is a certain amount of bedlam.

Mr. Charlton: The only net result I see from any provocation is that sometimes Trudeau gets between the desks and swings on his hands when he is answering.

Mr. Breaugh: I don't object to that. I find in the federal House that their format for questions recognizes that somewhere in the question the member is going to work that in. Here we say we cannot do a preamble, so the name of the game is to try to work it in in the body of the question. That is human nature. I don't think you can rule that out.

Mr. Rotenberg: The back and forth of questioning is part of the game.

Mr. Robinson: It seems we have a number of specific areas that we can discuss with the Speaker when we have him before us. Until that time, as we get the benefit of his perspective on these things as they occur in the House as he views it from the throne, we are really ploughing the same fields again and again.

Mr. Chairman: I think we will draw up some comments and some questions for the Speaker when he appears before us, resulting from this discussion today and what is in Hansard. There are four or five main points that we have made which would change the procedure and which I think in many respects would improve the whole process. One of the reasons Mr. Mancini wanted this item on the agenda was the fact that as a private opposition member he does not have sufficient opportunities during question period to ask questions.

One of the points, as Mr. Edighoffer said, is that the questions of the opposition leaders take up too much time in the question period. I suppose it is annoying for an opposition member who has a legitimate question of urgent public importance to see those klieg lights go out before he gets on his feet. That is human nature, particularly from the point of view of a politician.

When we get down to the latter part of the question period, people are rambling, they are scuffling and they are moving in and out of the House. There is a murmur; there is a feeling of let us get this over with because questions are petering out. Maybe that is the fault of the rotation system or maybe that is the fault of the fact that there have been about four good questions that have dealt with urgent public importance and therefore the opposition back-bencher feels that he really hasn't too much staging or profile by the time he gets on his feet.

That was the reason we had this on the agenda. I think there has been a general consensus here today that some of the private members do not get that opportunity, that it is monopolized by, first of all, the opposition leaders and also by lengthy answers by the ministers, et cetera.

Mr. Edighoffer: I think you are right. According to what Mr. Mancini was saying the other day here, there may be two classes of citizens in the Legislature. I think the main purpose of the exercise is to make sure that all members have the opportunity to ask any question they want to and that they feel are of urgent public importance.

I would just make a suggestion in order to have it on the record because I am sure the Speaker will look over these proceedings very carefully. I would like to suggest that probably 27(b) be changed so that it would read: "The order of Oral Questions shall start with one question from the Leader of the Opposition, followed by one question each from the leader or leaders of the other opposition parties in order of their membership in the House."

Mr. Chairman: I like that. I think that is a great move.

Mr. Edighoffer: Then after that, "All members may participate in questioning, starting with the official opposition."

Mr. Chairman: Yes, and that does not inhibit the Leader of the Opposition from asking two or three or four questions.

Mr. Edighoffer: That is right. The party leaders have the right to go on then, if they want to, and take the place of other members.

Mr. Hodgson: Have you got anything in there to recognize the government side?

Mr. Edighoffer: Yes, then I say, "All members may participate..."

Mr. Rotenberg: Mr. Chairman, this really is a function of the leaders of the opposition parties. Personally, I don't want to interfere in the way the opposition parties want to run their own business. If the opposition parties want to do it that way, that's great.

Mr. Chairman: It was just a recommendation.

Mr. Rotenberg: I might suggest to potential leadership candidates in the two opposition parties that part of their campaign in the caucuses might be that they would give their private members more time. You have two new leaders coming up and it is really up to those people. One of the possible candidates here might campaign among their caucus members and say, "Hey, if I get to be leader, I'm going to make sure you get more time in question period." That may get him some votes.

Mr. Chairman: I was just thinking that may be very easy to try this out this fall, but it won't be when the new session starts in the spring. It may be difficult to cut them down.

Mr. Breaugh: You could be right.

Mr. Chairman: Gentlemen, thank you very much. That winds up this particular part of our responsibilities and considerations. We meet again on October 22 at 10 o'clock in the morning.

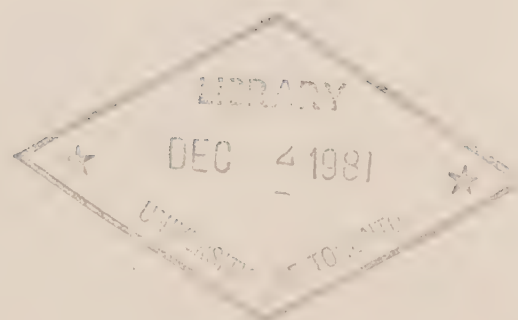
The committee adjourned at 11:48 a.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

STANDING ORDERS RELATING TO QUESTION PERIOD

THURSDAY, OCTOBER 22, 1981



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breagh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Piché, R. L. (Cochrane North PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Watson, A. N. (Chatham-Kent PC)

Substitution:

Gillies, P. A. (Brantford PC) for Mr. Robinson

Also taking part:

Taylor, G. W. (Simcoe Centre PC)

Clerk: Forsyth, S.

Research Officer: Eichmanis, J.

From the Office of the Speaker:

Turner, Hon. J. M., Speaker

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, October 22, 1981

The committee met at 10:27 a.m. in room No. 228.

STANDING ORDERS RELATING TO QUESTION PERIOD

Mr. Chairman: We will call the meeting to order. I see a quorum.

We have the honour of having the Speaker, the Honourable John Turner, with us this morning to speak to the committee and also answer some questions.

Mr. Speaker, I think you probably know that we have spent some time in the committee since last spring talking about procedures in the Legislature and particularly in respect to question period, the organization of committees and various things to do with the operation of the Legislature.

I think the main reason you have a copy of the memo that was put before the members of the committee is that we are dealing mainly this morning with question period and various aspects of the question period, particularly in respect to supplementary questions and the privilege that is given to the leaders of the two opposition parties with respect to asking at least two questions at the start of a period.

Do you have any introductory remarks or comments you would like to make generally about that subject?

Mr. Speaker: No, no more than to say that obviously I have some concerns as well, and in that respect I issued a memo before the beginning of the session. I think people have been restricting themselves more to the questions and less to the preambles.

I would just like to point out that long questions beget long answers, and that was the whole point of sending the memo out. If you are going to ask a six-part question you are going to get a 12-part answer and you have to accept that. Members of the House have to accept that, which they do not necessarily want to.

Also, another area that, in my view, has nothing to do with question period as such, any more than it happens during question period, is people raising points of order and points of privilege. There still seems to be some doubt as to which constitutes which.

I think we had examples last week when the member for St. Catharines (Mr. Bradley) jumped up on a point of privilege which was not a point of privilege, and I ruled it as such. The leader of his party and the House leader both took very strong objection to what I was saying. They too were completely out of order. That is the sort of thing that bothers me to some extent.

Mr. Chairman: Has anybody got any questions? I have one. It is one of the points you have before you--I know you have been trying to do this--and that is restrict the number of supplementary questions. What sort of guideline or precedent do you use? Do you just feel that there should be a limit to the supplementary questions, particularly from both opposition parties? Or is it a matter where you feel there is some repetition, that they are getting off the point or the actual matter raised in the original question. In other words, do you think they are using supplementaries to ask new questions? Or do you just feel that the subject is exhausted in your own mind and that is when you cut them off?

10:30 a.m.

Mr. Speaker: No. I have tried to restrict supplementaries in the case of the opposition leaders. They ask their original questions and they ask a supplementary. Then I look to the other party for a supplementary, and then I come back to the original party for a final supplementary.

What I have done, in the case where the original questioner has asked the supplementary and the other party does not have a supplementary, is I will recognize another member of the original party on a supplementary, but I will not recognize the leader on a final supplementary. That has been a rather arbitrary decision, but it seems to me that the subject does become repetitious; it is not offering an opportunity for the ordinary member to participate if just one party is involved.

There have been objections to it because it always happens to one of the two leaders, and they feel I am discriminating against them, but I am not; I am trying to be fair to all the members really.

Mr. Chairman: What do you think of a supplementary question to a nonanswer? We find there is a situation on many occasions where an original question is asked and the minister will reply, "I will take that question under advisement. I will get the answer for the honourable member and have it tomorrow or at some later date." Although there is really no reply to the original question, nine times out of 10 that member will get up and ask a supplementary.

Mr. Speaker: I did not realize that question period was as structured as it is until I became Speaker. I am not saying this in any critical sense, but people are designated to ask questions, questions are prepared for them, and they tend to rise in turn to ask their questions, whether they--

Mr. Chairman: Get an answer or not

Mr. Speaker: --get an answer or not.

Mr. Speaker: I did, I think in two cases last sitting, not go back to a supplementary in a case like that, and it caused a great deal of confusion within that particular group that had asked the original question because I threw them off their schedule without knowing it; that is when it came to light.

Obviously, if you do not get an answer, you cannot very well ask a supplementary, but yet the question is there to be asked. and I think that is something that the members themselves really have to deal with, rather than ask the Speaker to make a ruling on that.

Mr. Epp: Mr. Chairman, on that particular point, in respect to the person asking a question and then, following that, the ministry replying that he will take that under advisement, the supplementary often is part of that. If they are going to get additional information or whatever it is, having that supplementary in order to get that additional information is helpful. Otherwise, how are you going to get it? It may be a two-part question.

Mr. Chairman: You can always ask the supplementary when you finally get the answer, although it may not be as dramatic--

Mr. Epp: He may not be in the House.

Mr. Chairman: Yes.

Mr. Epp: It may be in the form of a written answer or something of that nature. It is sometimes difficult, and I can understand the Speaker's predicament in this. On the other hand, the questioner has, in a sense, a two-part question. If the minister says, "Look, I do not have that answer; I will get it for you," then although that is not a supplementary question, in a sense it is the second part of a question, which sometimes comes in the form of a supplementary.

Mr. Speaker: Yes, maybe it could be rephrased a little differently: "While you are getting that information, would you look up" or whatever else it may be. It is a technical point.

Mr. G. W. Taylor: The chairman's example, as given, is one of the situations, but there are other situations where there just is not an answer. The minister refuses to answer, and then they still get their supplementary on, or want to, and that is case where there is no supplementary to a nonanswer.

Mr. Mancini: Just because the minister refuses to do his part, are you not going to allow us to do our part?

Mr. G. W. Taylor: No, but if you are going to have rules, you must have some logic to the rules. If you do not get a question, you cannot have a supplementary question to an answer.

Mr. Mancini: You can ask a supplementary to the first question. That's logical.

Mr. G. W. Taylor: No, you cannot. I think the Speaker is quite correct in some situations where he says, "Sorry, could you move on to a new question?"

Mr. Breaugh: What do you mean you cannot do it?

Mr. Watson: We will have to redefine the word "supplementary" then when really what we are doing is asking a two-part question.

Mr. G. W. Taylor: "I want another question" is what you are saying. "I want a new question." But because you did not get an answer, you cannot have a supplementary question. I know it upsets--and that is what we were discussing; and the Speaker has discovered this--the procedure if you have a question and this member over here has a supplementary, or you might have both. I know that that upsets the procedure the opposition parties have laid down for the day, but that does not make any difference to the Speaker. If he sees that there is no answer, then there should not be a supplementary flowing out of it. He moves on to the next questioner. I see no difficulty with the Speaker following that routine.

Mr. Chairman: I think you will find that some of the old pros in the Legislature will preface their supplementary by saying something to the effect, "When the honourable member is researching and compiling his answer to my question, will he also..." because the rule is quite clear. Section 27(d) says: "In the discretion of the Mr. Speaker, a reasonable number of supplementary questions arising out of the minister's reply to an oral question may be asked by any members."

Mr. Rotenberg: That is the key. It is a supplementary arising out of the reply. It is not another question on the topic; it is a question on the minister's reply. That is the way the rules read now. Of course, we never follow that rule, but technically a supplementary has to be related to the minister's answer not to the original question. That is what the rule book says.

Mr. Breaugh: That is not hard to do. If he says I do not want to answer that, you simply ask him, "Well, if you do not want to answer that one, how about this one?"

Mr. Rotenberg: That is not arising out of the answer.

Mr. Gillies: Something cannot arise out of nothing.

Mr. Rotenberg: The opposition creates something out of nothing all the time.

Mr. Mancini: What are you guys afraid of. Open the process up. Let us ask the questions.

Mr. Rotenberg: You can ask any question you want any time. It is perfectly okay to ask a question without notice. Just ask new questions rather than hide them as supplementaries. You can get more questions in that way.

Mr. McLean: Mr. Speaker, as a new member it is certainly quite an experience for me to see what takes place in the House. I realize there are rules to follow, but after spending 15 years in other governments I have never seen anything like it in my life. I think that after people from across this province have sat in the gallery and looked at question period in this House, when they go

home, they must have quite an impression left with them. There are 125 members, and when they read some of the papers, I think that some of the people in the ridings have got to ask themselves, "Really, am I doing the right thing?"

At the start of the question period usually, matters of personal privilege seem to be a highlight with some members, and I think it is used as a form of grandstanding. I would think that if a person has a personal point of privilege, it should be to the Speaker in writing beforehand and then he could rule whether it is a personal point of privilege or not. Any matters other than that should be asked after question period. I see there are always one or two points of privilege that they want to bring up right off the bat. I know that it is hard for the Speaker to rule on them because over half of them are not personal points of privilege.

Mr. Speaker: But you cannot make that decision until you have heard them.

Mr. McLean: That is the problem, but they should be in writing. If a member has one, it should go to the Speaker in writing before the House opens.

Mr. Chairman: The only thing I can think of, and I would want the Speaker's comment on this, is a question of privilege being raised right after prayers, for example, on something arising out of the previous day's sitting or something possibly in the morning press or something like that.

Mr. Speaker: Yes, most of those are to correct the record or for clarification. They are not really points of privilege, but really I guess they are matters of order to clarify the record, to correct the record or whatever.

10:40 a.m.

Mr. Chairman: There is no question there have been problems with the number of points of privilege or questions of privilege that have been raised during question period. Can you see anything wrong with establishing a rule or a precedent that they be asked immediately after the question period? Most of them are facetious; very few are legitimate.

Mr. Speaker: It would not cause me any problem one way or the other. That is a matter for the members to decide themselves.

I notice in some of the other legislatures there is a time set aside for points of order and points of privilege during the question period.

Mr. Chairman: I can see a point of order--

Mr. Speaker: Yes, that's different.

Mr. Chairman: --may be hard to delay, but not a question of privilege really.

Mr. Mancini: For example, Mr. Chairman, the other day when we were questioning the Minister of Housing and Municipal Affairs (Mr. Bennett) concerning the special allowance that he receives now and is able to use towards offsetting the cost of a second home in Toronto, he made a statement concerning--

Mr. Rotenberg: That's not correct.

Mr. Mancini: --the fact that not all members of the House are lily-white. Then the House leader of the official opposition immediately rose on a point of privilege and asked that he explain his statement. Surely if we are not going to be allowed to rise on points of privilege concerning statements like that, then the House is really going to deteriorate much further than--

Mr. McLean: Was that a point of privilege or a question?

Mr. Mancini: It was a point of privilege-- No, it was a statement from the minister.

Mr. Watson: But that arose from an answer given in question period.

Mr. Mancini: Absolutely.

Mr. Watson: It did not arise from something that was printed in the Globe and Mail that morning. That is what I have taken is the chairman's suggestion on points of privilege arising from things other than what happens in the question period. There seem to be more and more of those coming up; people jumping up at the start to complain about something that was said in a speech the night before or in the paper or whatever.

If it is question period, if that time is set aside for question period, then maybe we should deal with the things in that. If it is that bad, maybe the member should call a news conference at 12 o'clock and not wait until two.

Mr. Speaker: If I may interject for a moment and offer an opinion as well, as I recollect the incident, he did not refer to any particular member.

Mr. Mancini: No, he cast aspersions on all of us.

Mr. Chairman: What is the definition of "lily-white"?

Mr. Speaker: I have no idea; I am not sure. If you had read the reply, it just did not make any sense at all.

Interjection.

Mr. Speaker: No comment.

Mr. Gillies: Referring to the same incident that Mr. Mancini touched on, I wonder if a more appropriate response to that incident might have been to rise under the standing order that the member was dissatisfied with the answer, rather than on a point of privilege. That is one option that occurs to me.

Going back a few minutes, Mr. Speaker, you indicated that in the exercise we went through last Friday with the member for St. Catharines (Mr. Bradley) you do not feel he had a point of privilege or that the Leader of the Opposition or the House leader had a point of privilege. How would you have preferred that that matter be resolved? As new members, we are still grasping and trying to pick up all the rules of the House. How could that matter have been dealt with so that it was actually in order?

Mr. Speaker: In my view, it could have been raised as a point of order to clarify the record, to correct the record or whatever term you want to use. But it was clearly not a matter of privilege.

Mr. Gillies: So it was just a question of order as opposed to privilege, and he could have raised it at that time?

Mr. Speaker: Yes. There was no problem about raising it.

Mr. Mancini: Is not that up to you, after you hear what the member says, to correct the member and say, "This is really a point of order and not a point of privilege and that is how I will recognize it"?

Mr. Speaker: I did say that. That is when the Leader of the Opposition and the House leader popped up and virtually told me I did not know what I was talking about.

Mr. Mancini: I am sure they would not say that, Mr. Speaker.

Mr. Gillies: Actually a lot of time and effort could be saved in the House if we, as members, really boned up on what constitutes a point of privilege and what constitutes a point of order, and just get it straight.

Mr. Speaker: I think I do try to give some guidance at the time. I did say at that particular time it was not a matter of privilege, with which obviously other members did not agree. I think, having not recognized it as a point of privilege, it would seem obvious that it should have been raised as a point of order.

Mr. Gillies: I happen to think personally that there is a fair measure of responsibility on every member, though, to get that straight because I must confess I am not clear yet on the difference. If we only took the time, it would help.

I have one other point, if I may, and this is changing the subject somewhat. I see in the sketch that has been given to us of the procedures in the House of Commons that a supplementary from party B is not normally allowed on a question from party A in the House of Commons, whereas we do allow that. I just wondered whether Mr. Speaker and the members have any thoughts on that. Do you prefer the way we do it or is there any distinct advantage?

Mr. Chairman: Did you hear that question, Mr. Speaker?

Mr. Speaker: No.

Mr. Gillies: I am sorry, Mr. Speaker, I was just pointing out on the sketch that we have been given as to the procedures in the House of Commons that a supplementary from party B is not normally allowed to a question from party A, and we do, of course, allow that. I just wondered if you had any thoughts on whether the procedure we are following is superior, or whether there is any great advantage or disadvantage either way.

Mr. Speaker: No. I do not have any strong feelings other than the fact that supplementaries are raised as a result of an original question. Let us say it has to do with the automobile industry where the leader may rise. If he asks a supplementary, quite obviously there are people in both parties who have an interest in that answer or an interest in the information, so I have always, since I have been there, given the leeway that people who have an interest in the answer be allowed to ask.

Mr. Gillies: The clerk prepared this report. Did the people in Ottawa offer any particular rationale as to why they did not normally allow that or is it just tradition?

Clerk of the Committee: I think it is a precedent or tradition that has been established.

Mr. McLean: If the Liberal critic on agriculture asks the Minister of Agriculture and Food a question and he has a supplementary, I think it is only right then for the NDP critic of agriculture to ask a supplementary because it is all on the same query. I think that is only fair.

Mr. Chairman: Mr. Breaugh, did you have a question?

Mr. Breaugh: I just wanted to run down an outline of the things we have talked about here. In previous attempts at this we have covered just about everything you could cover. It all comes back to the fact that I do not see much sense in changing the rules and regulations or anything else, because I do not see that as being our problem. If you go to other legislatures similar to ours, or the federal Parliament, I do not think the question period is much different in form anywhere you go. The difference is in demeanour.

If you go to Alberta, the place is like a wake, very quiet; there is no rowdiness attached to it, but that may be because there are only five people there who are not in the government caucus.

When you go to the federal House, the federal House is no more orderly from time to time than our place; their rules are a little different. So when you run through, "Do you allow supplementary questions from both opposition parties?", I really do not think that makes much difference. It seems to me our practice is a reasonable one, that you give both parties a chance to slip their oar in. Changing that does not make much sense. Just like the time allocation for question period, I do not find it an inordinate amount of time to take an hour of the day for question period.

Mr. G. W. Taylor: We are the longest.

Mr. Breaugh: We are the longest, but is it going to make any difference to anybody if we say we should have a 50-minute question period instead of a 60-minute, or a 45-minute or a 55-minute? I do not think that is even a relevant discussion. I do not see the problems there.

It would be reasonable to me to say that we would now try to establish a practice that if you feel your privileges have been offended in some way, you could raise it at the end of question period, but the obligation is there now to raise it at the first opportunity, which means at the beginning of the question period. If somebody wants to suggest that we try for a little while that the Speaker should say, "I will be pleased to hear your points of privilege at the end of question period," as opposed to at the beginning, that does not seem to be a big deal for me.

There are days when, if you did not have somebody raising points of privilege, you could not start the question period because there are no cabinet ministers sitting over there to answer questions; so it provides at least a pleasant filler while we all wait for the ministers to come in from their very important luncheons at Winston's.

Mr. Rotenberg: There are not many opposition members there at the beginning either.

Mr. Breaugh: I thought you were working very hard to see there were less and less opposition members. I would not have thought that would be a concern.

The preamble thing does bother me. We have tried, and not very successfully, to see if we could get the members here to home in on questions. I do not know if we are ever going to succeed at that. It is like the little thing about asking if you have a one-part question or a two-part question. What difference does it make? If you say we are only going to get to ask one question, it is going to be a long question. Are you going to sit through that as opposed to asking two at a time? I do not know that it makes much difference in that way.

I notice that the Speaker did a little memo to the members about preambles just before this session opened up again. I would hate to measure a cost effectiveness on that one because I sensed that it just encouraged them to put even longer preambles on their questions. Frankly, that does not make much difference. If you have the brains to start your long tirade with an interrogative word like "why" or "how," you just scuttle the whole preamble business.

In the federal House one of the things that I kind of admire is that by consensus, rather than by rules, they seemed to have arrived at what is a reasonable length of time for you to ask your question. If you go longer than that the Speaker does interject and tries to get you back on the track, but they do not object to a couple of sentences at the beginning of a question so they know what it is about.

I tend to think that is about the best you can do on that. There are times the minister is diverted or needs a little information to get his or her mind clicked in on exactly what the guy is talking about, so a little bit of a preamble I do not find objectionable. I do object to the long speeches that occur before anybody gets anywhere near a question.

If you watch the House every day, the leader of the official opposition gets up first for a question and he sets the pattern for the day. If he is going to do three minutes of verbiage around his question, you can guarantee that everybody else is going to do it in reply and in subsequent questions. That is a matter of getting the members used to what is acceptable and what is not and it just takes a bit of adjustment.

You cannot sit back and design a rule which tells me what I think is urgent public business. There is no way in hell I am going to let you get away with that. You cannot stop me from asking a question, unless you are prepared to interject in the middle of my questioning every day, so that is something which is left up to the individual members.

I like the previous practice where the Speaker did the introducing of any guests who were there. If I had some great visitor coming in from Tamworth, Ontario, and I sent a little note up to the Speaker. I think it solves the problem of how to acknowledge people like that, by simply informing the Speaker and letting the Speaker decide, "Maybe at the end of the question period I should take a couple of minutes and introduce these folks."

As to the current practice of letting anybody get up and acknowledge visitors in the gallery, if, for example, the Premier (Mr. Davis) or one of the ministers gets up and says, "Today I have five wonderful people from Thunder Bay visiting me," and he gives me five minutes on why they are wonderful people, I feel a little bad if somebody from my riding comes in and I do not get up and give them five minutes time and get it in Hansard. It is not the neutral person of the Speaker acknowledging visitors.

There is an awful temptation on our side, at least, to respond so that. If the government gets up and introduces two people from Poland, there is an awful obligation on our part to get up and do the same thing all over again. I think the previous practice of having that done by the Speaker, sending him a little note saying, "Would you like to introduce these folks today and say who they are?" might cut it down a little bit.

Essentially, I am still at the same place I was at a year ago on the question period. I do not think you can change the rules and make much of a dent in the thing. If you have any job before you, you can do a little cleaning up of when you raise questions of privilege and who introduces whom to the members and to the gallery, but essentially we are searching for a consensus on what is a reasonable way to ask a question and about how long it should take and how to sort this all out.

That is where I think it has to be done. I do not think you can do it by changing rules. We have attempted to change the rules. Three Speakers whom I have seen here have all attempted, in their own way, to try to get the House to behave in a more rational manner. Perhaps it is not in the nature of the beast.

Mr. Rotenberg: Mr. Chairman, I want to go back to the questions of privilege. The true questions of privilege should be raised at the first opportunity. There are two kinds which I think should be raised.

First of all, if something arises in the House at that time, whether it was a legitimate point of privilege or not on what the Minister of Housing said the other day, if a minister or an opposition member or any member of the House gets up and says something which, in another member's opinion, abuses his privilege, then that should be raised immediately. I do not think you can wait till the end of the question period. You have to raise it when it is hot and when it is there.

The second type of point of privilege which should be raised is something which has arisen in the House. Some time at five o'clock or 10 o'clock at night, someone may say something. Suppose someone says something about me and I am not there. The next day I have a legitimate right to raise a point of privilege on something which arose in the House.

It should be done then because the member who allegedly made the improper remarks will be there in question period at two o'clock. If I wait until 3:20, when everybody is gone, by the time I get around to point of privilege then the person I am raising it about is not there. Then he gets up the next day and replies when I am not there, and it could go on for weeks.

Those types of legitimate points of privilege should be raised at the beginning. But you get things like correcting the record. That can wait because you are only correcting the record. On points of privilege, if a member of the House said something in a speech last night that is reported in the paper, then I think it is legitimate for me to raise it where my privileges are abused. But if it is by an article in the Globe and Mail or something on CBC that somebody other than a member of the House said outside, that can wait until the end of question period.

It is a very fine line of what is a question of privilege as between two members and a question of privilege as between a member and someone outside the House. I do not think you have to write a rule about it, but the Speaker could keep in mind that questions of privilege between members can be raised immediately, but other types of questions of privilege can wait. Certainly matters of correcting the record and other things, which are really not points of privilege but which are raised as points of privilege, should wait.

I know it is difficult. I agree with Mr. Breaugh that you cannot write rules about these things.

Mr. Breaugh: The problem with that is that I have seen on several occasions now when ministers come in and, right off the bat, they want to stand up and correct the record about something that was printed in a newspaper that morning. That is legitimate because if the minister is going to say to the House, "There was an article in the Globe this morning which was factually incorrect and I was misquoted and these statistics were wrong," I would prefer to have him say that at the beginning of question period, get it straightened out so that we do not spend 20 minutes in questions on an error.

Mr. Rotenberg: The minister can bring that up under statements. He can make an oral statement.

Mr. Chairman: It gets him in the House too.

Mr. Rotenberg: He can do that under statements.

Mr. Breaugh: Yes. But you are saying that a minister can correct the record and I cannot. I do not agree with that.

Mr. Rotenberg: We can write rules, but perhaps we can reach some kind of consensus, we can agree as to what is a legitimate point of privilege and what is something else, that only those could be raised at the beginning of the time. We cannot write a rule about it. If we adopt a philosophy about it and the Speaker started ruling about it, we will evolve a practice after a while. If the Speaker starts cutting people off and says that has to wait until after the end of question period, after a while we might evolve a process. As I say, what I consider to be legitimate points of privilege have to be raised at the beginning of the session.

Just a brief comment on what Mr. Breaugh said about question period. I agree. Basically, question period is the period of the opposition parties. I know we can sit over here as government party and give some ideas. But whether you have a restriction on supplementaries, or whether you have five or six supplementaries, the point is you would have X number of minutes to ask questions.

If the opposition parties want to, they can go go back and forth with everybody asking supplementaries to everybody else's questions--the opposition parties like four and five-part questions. The opposition parties are happy with long preambles which just use up time. Really what happens when we have all these things happening, we get complaints--and I have heard complaints in this room--that there is not enough questions being asked because too much time is spent on leaders' questions or too much time is spent on supplementaries.

With respect, Mr. Chairman, that is something the opposition parties have to sort out in their own caucuses or between the two parties. As far as I am concerned, if I ever got to be a minister, I would be just as happy if the opposition party wasted all their time on preambles and all things which were irrelevant because there are less questions and less chance of embarrassing the government.

Mr. Breaugh: Or continue to ask the Premier questions. That takes 20 minutes out of any question period.

11 a.m.

Mr. Rotenberg: As to any changes in procedure in the question period and all these points you have brought up about the time of supplementaries and who asks supplementaries and preambles, frankly I really do not care what happens. This is something that if the opposition parties have some suggestion of change, we will look at it. If they are happy with the way it is, then I am happy.

Mr. Chairman: It is incumbent upon the Speaker, at one point, as he indicated this morning, that there be a limit to supplementary questions.

Mr. Rotenberg: The limit on supplementaries is reasonably acceptable. He cuts off supplementaries. There is the odd time you get a squawk, but basically the Speaker now is handling the number of supplementaries in a reasonable manner. There are really no complaints about that.

Mr. Charlton: Mr. Chairman, I think that basically, yes, the question period is an opposition time for the most part. But we had discussion two weeks ago in this committee where a number of the members of your party expressed the concern that they have about the number of back-bench government questions that can be placed because of the way of the question period. David, just because you do not very often ask questions, it is in everybody's interest to do whatever we can to get as many questions on as we can, to see that members in general have a right to use that time period.

Mr. Chairman: The point you are trying to make here is that it is all very well for you to talk about the opposition caucuses, but the fact is that the leader may have some idea about the number of questions he wants to ask, or some of the front-bench members of the opposition. But there is a certain amount of responsibility on the Speaker to make sure that for all opposition members--or all members, period--in spite of the lack of consensus in a caucus, or otherwise, there is a reasonable time for everybody to ask a question.

Mr. Rotenberg: I agree with that, Mr. Chairman. But the practice of the House has been what it has been--and Mike has put it very well, namely, that changing rules is not going to change it. You are only going to change the practice in the House of getting more individual questions, which is the same as more time for questions, if really the members of the opposition parties and the leaders decide, in whatever process they go through, they are going to change their habits, not change the rules.

The Speaker is doing a good job in getting as many questions brought forward as he can. But it is really up to the opposition parties, not by rule changes as I said, but simply by possibly amending their practices to get more people asking questions. The

government members do not ask them that often. As long as the leaders are going to take all this time with preambles and all these supplementaries, we are not going to get any more questions. If they do want to change their practice, then the--

Mr. Breaugh: If you run a clock on any of our question periods on who is speaking during that time, you will see that the ministers in their reply are taking at least two thirds of every hour.

Mr. Rotenberg: Yes, but that is a reaction to the long preambles and the long questions. If the questions were shorter, the answers would be shorter.

Mr. Speaker: Actually, if I may just interject again, we have been running a clock--

Mr. Mancini: Not necessarily.

Mr. Epp: Not necessarily. In all due respect, often it is with respect to the minister trying to avoid answering the question. Rather than answer the question, it takes him twice or three times as long to try to avoid the answer.

Mr. Rotenberg: I agree. There are the times when the minister's attitude--

Mr. Epp: That is where the time goes.

Mr. Rotenberg: No. There is no question that there are times when ministers take too much time. There are lots of times when questioners take too much time.

Mr. Epp: I agree.

Mr. Rotenberg: It is both sides.

Mr. Chairman: The less they know of a subject, the longer the answer.

Mr. Rotenberg: I would be happy if the minister just got up and said yes or no and sat down.

Mr. Charlton: I think the Speaker was telling us he had done some timing on it.

Mr. Speaker: Yes, we have been keeping track of questions and answers. Actually, the preambles have been cut down from what they were last spring. Maybe they can be cut down more. But you have to have some kind of an introductory preamble to set the tone or the stage, or whatever, for the question.

Having said that, there would appear to be maybe three ministers who, because of their interest, their knowledge, or whatever--

Mr. Mancini: Can we guess who they are?

Mr. Speaker: --the questions that are being asked, do tend to give very lengthy answers.

Somebody said they would be happy with a straight yes or no. The same thing happens with a reply as to a preamble to a question. They tend to get caught up and they go far beyond the original question and they supply all kinds of information which, of course, begs another supplementary from some place else. I have tried to get the idea across to the ministers that if they shorten their answers it gives more time for everyone.

Mr. Chairman: Or if they do not know the answer, which is no great disgrace or reflection on them. If they really do not know that answer, then say so.

Mr. Speaker: One of the problems seems to be with interjections. The minister will get a legitimate question and then somebody will say, what about such-and-such, and he will immediately divert his attention and reply to that, and you have got a new question period opening up. If they would ignore that--

Mr. Breaugh: The Premier, on occasion, waits for interjections.

Mr. Speaker: Yes.

Mr. Chairman: Hang your hat on it.

Mr. Rotenberg: And you fall for it every time.

Mr. Charlton: When he does not get one quickly--

Mr. Chairman: He knows the answer to the interjection.

Mr. Speaker: Then you know where some of the problems are.

Mr. Chairman: Mr. Taylor, do you have a question?

Mr. G. W. Taylor: You replace the Premier. Yes, Mr. Chairman. Thank you very much for the opportunity. As Mike Breaugh has said, we discuss this every time we get this committee forward, and as I go down the summary that Mr. Forsyth has put together, every legislature seems to be reviewing their style of question period and how they are doing it.

Actually, as the Speaker said earlier this year, when we talk about preambles, he has been trying to cut those down. Preambles in themselves lead to longer answers, sometimes the preambles are riddled with allegations which are not quite correct and facts which are not quite accurate--

Mr. Chairman: That is the political link there.

Mr. G. W. Taylor: --and the partisan part of it, which is all part of the procedure in the territory in which we operate but naturally one has to expect, as the Speaker has mentioned, if

you put too many inaccuracies, too many partisan features, naturally the minister is going to come back with a little bit of fiction and a little bit of retaliation of his own.

Similarly, when we get into such things--and I remember the Bennett situation the other day where naturally he has been criticized somewhat about a rule that has been set up by our Board of Internal Economy and the rule is there and he is entitled to take benefit of that now.

I recall being in Quebec--we have just been down there studying procedure, and if I add that as a piece of information this time--where they have a rule to take care of exactly Mr. Bennett's situation. Indeed, it flowed out of the same situation, and they have about 12 members down there who are taking benefit of that. There is an independent rental appraisal of a unit if you own your own unit. So it is not an unusual rule and you cannot expect that minister to sit back every time and not answer that preamble.

Mr. Epp: They also have a French-only rule down there too.

Mr. G. W. Taylor: They have a few which are different to ours. But it is a rule and you cannot expect that individual to have a portfolio and also be criticized about a rule that is set up in here, as other ministers. That may become the interjection and reply to interjection. So we bring upon ourselves longer answers.

Similarly, in defence of some ministers, you cannot expect a brief yes or no answer to a very convoluted and multiple-style question, nor would I expect some of the questioners to really accept such a reply. It seems natural that you are going to split the time this way, and if you are going to say, "I have only asked a five minute question and you can only give a five-minute answer," that seems a strange way to run a railroad. I would think the way the procedure is going is quite satisfactory.

Where I would draw some criticism is when you look at our entire hourly structure for the week of the Legislature. You are really talking about 15.5 hours of possible working time and four hours of that happen to be question period, so that is close to one third. When you say the balance is left for legislative time and debating time, I begin to wonder what our priorities are around here, particularly when you consider most of the time left is on Tuesday and Thursday evenings which is for legislative work. Again, working evenings; sometimes the evenings are far less productive than some of the other times because of the supper hour habits.

Interjections.

11:10 a.m.

Mr. G. W. Taylor: One would think that we would order and husband our time a little better, and part of that is question period. I notice from all these other legislatures there are far

fewer minutes spent on the question period feature. I would not, as Brian Charlton has said--I am a government member, I would not want to lose my questioning opportunity and maybe a reduction of time would lose that.

But as you sit there watching the question period you hear the Leader of the Opposition and then the leader of the third party and then some supplementaries, and they have gone around the same territory two or three times. If you watched and took your Hansard out over a period of time, you can see a buildup of the same questions in the same area day after day, week after week, month after month and nearly for the whole session. So you have not added a great deal for that whole session except to ask the question in a different way over that period of time, but you have not got any new questions. I sometimes question whether there is a great deal of service done to the Legislature, the individuals or the public in that repetitious feature of questions. I just add that as a comment.

On the question of privilege I cannot disagree with the privilege basically if the other member is in the House--I do not know how you keep track of all that, John, or the clerks do--if there is a question of privilege, when both members are in the House or the members concerned are in the House, it should be raised at that time, as is in the rule; the other ones you raise as they occur.

I do not find anything too difficult in also raising privilege if it is in the newspaper, be it privilege to correct an error or correct a statement. So that does not bother me too much.

The question of urgent public importance--

Mr. Chairman: You do not see anything wrong with raising a question of privilege during question period?

Mr. G. W. Taylor: During question period, the first opportunity, and that is probably your first opportunity when you can grab the floor without disrupting the entire order of the business. I cannot see somebody coming in in the middle of a debate of a Thursday evening and saying, "By the way, I have a question of privilege."

Mr. Chairman: No, I am talking about right after the question period.

Mr. G. W. Taylor: Right after the question period, or even the first moment you get on. Sometimes that is better as we know the habit of ministers and people generally--the legislators, not just ministers--when the bell rings; right after prayers sometimes there are a few opportune moments at that point rather than at any other time. It is offending no one and it is a short period of time to use up while you open your answer book to the right page if you are a minister and you get your question if you are the questioner and you find out who is throwing the first pass. So the play-making is being settled and you can get your point of privilege in at that time.

Mr. Mancini: It is not done quite that way, George.

Mr. G. W. Taylor: It is not far from that.

Going down the list here that we are discussing, urgent public importance, I do not know how you can decipher that either. I am like Mr. Breaugh, it may just be important to me in my riding. I would like the opportunity to get that question to the minister. I may want to just get that minister in a spot that I would like him as would the opposition like him, and I would not want to lose that opportunity.

I would not want somebody weighing what is important urgent public business. It may be crucially important to the citizens of my riding, although it may not be crucial to all of Ontario. I think the Speaker pretty well is very generous in doing that and we have not had any great problem.

Introducing visitors I think is still the Speaker's prerogative, as Mr. Breaugh has said, and I cannot disagree with that, and I do not want to be getting up and saying, "Here is class of grade seven from my great school of..." If we had that all over the House we would have such a premium on time.

The practice has been generally followed except that I know the particular ex-Leader of the Opposition, being a Liberal member, is quick to point out every member who has previously been in the House when he sees them in the gallery and gets up to introduce them whether they be of anybody else's party, friends or otherwise. But if the Speaker does that I think it restricts the time and uses it properly, and he is probably more informed as to who the visitors in the gallery are and their designation of importance.

So now I have finished the topics with my few comments on them, not drastically researched in great depth, but they are gone over and over each time we put this committee together and I am sure whatever we resolve on them will be changed. I guess my greatest one would be to try to realign the total hours of work and procedure in this House so that we might work four full days or some other combination.

Mr. Breaugh: The other afternoon we ran out of legislation to deal with.

Mr. G. W. Taylor: Yes, I think if you watch and study this as an individual, you know that Mondays and Fridays are strange days. Tuesdays and Thursdays are our work days and Wednesday has a strange feature about it.

But those people who are travelling great distances have other things to do in their ridings, and I think if we brought consultants or IBM in they would shake their heads at how we can be back in the Stone Age and using our time efficiently. I do not know how to even go about correcting that because there are too many individuals who like the way it is at present or are not willing to challenge it to get a change. I just add my comments each time. I will work within the system and keep putting the comments forward.

Mr. Mancini: I am aware that several members have now covered each of the points that have been listed by our clerk. One of the points under supplementary questions that was discussed in the House but is not listed here that I wish to bring to the attention of the committee, is the privilege we had before the election that we no longer have. That is the ability of an opposition member, or any member of the House for that matter, to redirect a supplementary question.

I believe it is in the standing orders, Mr. Speaker, that cabinet ministers can redirect a question, therefore giving them a privilege that we do not have. You may recall that I cited several examples of this practice being a practice of the House before the election and you may recall that I cited the operations in the House of Commons that this is very frequently allowed and they seem to have it under control there.

I am not going to press this too much at the present time because the Speaker has made a ruling on it and the ruling is that we cannot do it. But I think it is something that the members of the committee and the Speaker maybe should take a look at again.

For example, possibly this past week or so when questions were being directed to the Treasurer (Mr. F. S. Miller), they could have been also redirected to the Minister of Energy (Mr. Welch). And with the secretariat type system we have here in the government, we have so-called superministers, and a particular superminister has four or five ministries under the so-called umbrella, so that you have a co-ordinated effort in the cabinet. I think it is very necessary for the--

Interjection.

Mr. Mancini: That is a word we are very familiar with.

Anyway, the point I am trying to make is that the cabinet works in certain umbrella groups and these groups are involved in joint decisions, et cetera, and I would like us to be able to have that privilege we had once again. Of course, Mr. Speaker, if you think that it is getting out of line or that the redirection of the question on a particular occasion is not warranted, you have the authority to stand up and to disallow it. So I think it could be controlled in a discretionary manner by yourself. That is the first point I wanted to raise.

The second, Mr. Chairman and members of the committee, is a point that I raised very early on in the sittings of the procedural affairs committee, and that is, in my view, the unfair distribution of questions between the opposition parties. I have asked the clerk to prepare for the committee, procedures in other Canadian jurisdictions as to how the question period is divided up amongst the opposition parties, particularly taking into account the number of seats that each party has.

In the past the two opposition parties have been very close as far as the size of their representation by numbers of seats in the Legislative Assembly is concerned. And of course, no one could complain about the split in questions at that time. But now, sir,

and members of the committee and Mr. Speaker, we have a situation where one opposition party has 21 seats and the other opposition party has 34 seats, a full one third more representation and we are still using the same procedure for question period as we did in the past.

To me, that is completely unfair. By no measurement or yardstick of fairness can I have explained to me how it is possible or deemed to be fair that a party with 21 seats in the Legislature be allowed to ask as many questions as a party with 34 seats.

11:20 a.m.

In going over the document that has been prepared by the clerk, looking under the province of Nova Scotia it states, "Following these two main questions and supplementary questions, the Speaker recognizes members in the order in which they are able to catch his eye, subject to adjustments being made to take into consideration the strength of each party in the House."

Moving along, under Quebec we see where the document states, "Subsequent questions were allowed, based on the ability of each member to catch the Speaker's eye and on the representation of each party in the House."

Further, under Saskatchewan it states, "During the course of the question period, the Speaker attempts to ensure that the questions are distributed, based on a party's representation in the House."

Mr. Speaker, Mr. Chairman, members of the committee, we see here where in other jurisdictions, and in the House of Commons in Ottawa, the Speaker does take into account the parties' strength in the House in order to distribute the time allotted and the number of questions allowed by the opposition parties.

I feel that it is time we used the same procedures here. I feel that it is very unfair for members of the third party to in fact get one third more time than they should actually be receiving by the number of seats which they have in the House which, of course, makes up their representation.

Therefore we are going to move an amendment. We wish to place before the committee an amendment to the standing orders of the Legislative Assembly under the section "Oral Questions" 27(b).

Mr. Chairman: Mr. Mancini moves that section 27(b) of the standing orders of the Legislative Assembly be amended to read as follows: "The order of oral questions shall start with one question from the Leader of the Opposition, followed by one question each from the leader or leaders of the other opposition parties in order of their membership in the House; all members shall then participate in questioning, starting with the official opposition."

Mr. Mancini: It is a rather significant change to the section and it also does not write in stone the amount of questions which each opposition party should receive, because

after the next election things could be different one way or another, and it leaves up to the Speaker to decide what is the breakdown in the House. If it is two to one, or two to three, or one to four, or if it is equal, then people should be treated as such.

If the committee wishes to deal with that subject at the present time, I would be most pleased to enter into a discussion on the subject.

Mr. Chairman: Do you have the amendment in front of you, Mr. Speaker?

Mr. Speaker: No, I have not.

Mr. Chairman: Do you want to comment on some of the things that Mr. Mancini said, Mr. Speaker? There are two points he has raised in respect to the number of questions based on representation in the House. Also one of the important things, I think, in his motion is that he is reducing the number of questions given to the opposition leader from two to one.

Mr. Speaker: I was going to deal with that first item first. I guess the more we try to formalize things and make them part of the procedure or part of the orders, perhaps the more rigid the question period becomes.

I think question period was designed for the members to ask questions of the government, of the ministries, relating to what they may see as matters of urgent public importance.

I do not have any strong feelings about the distribution. I think that is a matter for the members to decide and I will be guided by their decision. I think it may add to some confusion and perhaps make it a little difficult for the Speaker to keep track of the number of questions being asked by whom. Other than that I do not see any particular problem with it.

I do not have any strong feelings one way or the other. I think all members in the House are equal and enjoy equal privileges and opportunities to make themselves heard, raise their views and so on, and I would like to see that continued.

I suppose if you carried that line of reasoning a little bit further, it could be said that the government back-benchers or the government members should be favoured more than the other two, and I think that would be unfair. However, that is a matter I will be guided on by the members.

Mr. Mancini: Just a quick response, if I may, to the comment made by Mr. Speaker concerning the participation of government members. I do not believe I have ever seen any occasion in the six years I have sat in the House where a government member has risen in his seat and where he has been ignored by the Speaker. It may have happened, but I do not think I have ever seen it.

Mr. Watson: I have had occasions when I have wanted to ask questions and it has never got around to me.

Mr. Mancini: I said I do not think I have ever seen an occasion and I also said that it may have happened. If you read the document prepared by the clerk you will see that in all jurisdictions the Speaker refrains from looking to the government members during question period on as consistent a basis as he does to the opposition.

If you look to the House of Commons you will see that the government members are rising all the time and the Speaker ignores them. There is a very good reason for that and we discussed those reasons from about 10:30 to 11:30. Frankly, if you want to take up the time of question period allotted, not only taking into consideration the opposition members but the government members, I do not know what kind of a question period you will have, but that is for us to discuss later.

Certainly, if the Speaker wishes to recognize the government members, he is in the chair and he is in charge. I do not know what we are going to do to stop him. Frankly, I think it is unfair, I think it is not in any way close to what is done in the House of Commons or in other jurisdictions, to allow a party who has one third less seats the same amount of questions and the same status in the House in that regard as a party with its seats numbering 34.

I can see the way the committee is dividing up, that they may not be in favour of this motion, but I can tell you that they are going to be disappointed that the results of the last election are now being taken into account as to how the procedures of the House are being run.

Mr. Watson: Mr. Chairman, one of the things bothering me, and you say in fairness, if I have an issue that I want to raise, I have got to wait until the seventh question at the present time.

Mr. G. W. Taylor: That is excluding any supplementaries.

Mr. Mancini: I may have to wait just as long, possibly.

Mr. G. W. Taylor: If you have got something you want to raise, you get your leader to raise it for you. He has the first question.

Mr. Epp: Quite honestly, if you have got something you want raised, you can take it to a minister and he can get up on a ministerial statement and raise that matter. You could be the first. I cannot go to Keith Norton and say, "Will you raise this as a ministerial statement for me?" You can do it.

Mr. Gillies: I am not convinced of that argument, quite frankly, because you can go to a minister any time and say, "Why not do something about this or I will have to raise it in the House?" I find sometimes that gets just as quick action as if one of us went to him.

Mr. Watson: Sometimes quicker.

Interjections.

Mr. Gillies: Mr. Chairman, I am not convinced myself of the worth of Mr. Mancini's motion. First of all, I do not think we can look just back to the 1977 election for precedent. Let us look back and see what the tradition and precedent has been in this House at other times in its history when there was a disparate number of members.

11:30 a.m.

Quite frankly, I am not convinced that if I were to go back over the last 100 years and find the time when, say, the CCF had significantly more members in the House than the Liberals that you would have supported such a motion coming from them. So I think it is a political motion.

As Mr. Speaker has pointed out, every member of the House has every opportunity to raise a question. If a motion like this were to pass, then I would be asking, "What about a definite proportion of questions to be allocated to government members who are not members of the ministry?" If we are going to start putting that fine a point on things, then we, as Mr. Watson has pointed out, are going to have to start looking out for our interests too.

Question period is an hour. Every member has an opportunity to get up. We do not always catch Mr. Speaker's eye very easily because he is looking where the heat of battle is, obviously, and I do not fault Mr. Speaker for that. He is obviously looking at the focus of question period and that is in the opposition benches.

But I do not think we can just look back at one election. You do have the advantage, as I pointed out earlier, over the federal members in that if a New Democratic member asks a question, you can get up on a supplementary. You could not do that in Ottawa.

I happen to think that when we start getting into percentages and putting a very fine point on this whole argument, I am not convinced that it is in keeping with the spirit of what question period is all about. The people in the province sent three parties to the Legislature to represent disparate points of view; I think they are doing it. I just do not see the worth.

Mr. Chairman: The motion by Mr. Mancini it is quite similar to the existing section. In my opinion, the main change is you are reducing the opposition leaders from two questions to one question.

Let me read the existing section: "The order of oral questions shall start with two questions from the Leader of the Opposition, followed by two questions each from the leader or leaders of the other opposition parties in order of their membership in the House. All parties shall then rotate in questioning, starting with the official opposition."

The motion is: "The order of oral questions shall start with one question from the Leader of the Opposition, followed by one question each from the leader or leaders of other opposition parties in order of their membership in the House. All parties shall then participate in questioning"--

Mr. Speaker: All members.

Mr. Chairman: You have changed the word from "parties" to "members"? All right.

"All members shall then participate in questioning, starting with the official opposition."

There is really no hard-and-fast rule about the actual rotation or your recognition of individuals from a particular party. You are participating. I do not think that in your mind, as you are dealing with questions, that you have to mentally say, "Well, there are only 20 or so members in this caucus and there is 30-some in this caucus--maybe one third more--therefore I have to stay here a little longer," or something like that, or give that particular caucus an extra question.

Mr. Mancini: But that is the intent of our motion.

Mr. Chairman: Yes, but I think it defeats the effect of your motion. I cannot help but feel that this motion reduces the questions--and I frankly am in favour of that--from two to one for the opposition leaders, because really what you are complaining about here is your own party leaders taking a little too much time in question period, with supplementaries and things of that nature. Thirty or 40 minutes can go by and still Mr. Cassidy is about to ask his second question.

Mr. Mancini: What we are saying there is that if the opposition leader wants to take another question, then he has to take that question away from one of his own back-benchers. On occasion, he may wish to do that. On other occasions, he may not wish to do that.

We want to give the Speaker as much freedom as we possibly can in order that he can take into account the numbers in the House. We think that is very important. We do not want to write it in stone.

Mr. Watson: Can we have a point of clarification?

Mr. Chairman: Andy, I wish you would address the chair before you interrupt.

Mr. Watson: I do not see that the motion which we now have in front of us has anything to do really with the argument you have been making. You have been making an argument on the proportion of questions. As I read your motion and interpret it, all you are doing is taking one question each away from the opposition leaders.

Mr. Mancini: If I could explain that to Mr. Watson, the important word is "rotation." In place of "rotation," we put the word "participate," and the word "parties" is struck out and is replaced by the word "members."

Mr. Chairman: I do not think that ties the Speaker down one bit to any change.

Mr. Mancini: With the intent of our motion, the Speaker knows what the intent of our motion is.

Mr. Chairman: Do you have any further comments, gentlemen? Mr. Speaker has to leave; he has to meet the Speaker of the European Parliament; he has to change. So what I am going to do is ask if he would like to make any final comment before he leaves and then we will carry on with our discussion.

Mr. Breaugh: I have a couple of quick points. One is I would like to support Remo's contention of the possibility of redirecting a question; you reinstate it to its former practice.

I understood your ruling on that matter, but I think the ministers are quite satisfied to let a question be redirected and from our point of view, there is some small advantage in being able to redirect it. I do not think it is a big deal. The previous practice was one which was a little better from the opposition's point of view and a little more direct from the ministers' point of view and probably is a better thing.

Just before you go, I would like to express a concern to you; it is not really your doing but it is other officers who occupy your chair, so to speak. I sat in the House Monday afternoon, doing House duty like a good little boy, and Tuesday afternoon. I am not sure that, in the process of dealing with the legislation and the questions that were put, I heard once in the afternoon the person occupying the Speaker's chair put the question correctly.

They were calling wrong numbers for bills; they did not put the question to the House. I do not know whether you want to put a teleprompter down there by the chair or have the pages carry cue cards, but in some manner I do believe that whoever occupies the Speaker's chair has an obligation to put the question correctly. We have enough problem on our side deciding which way to vote on things without being confused as to whether the correct question has been put to the House.

Interjection: Amen.

Mr. Rotenberg: That's our secret weapon.

Mr. Speaker: I take note of your comments. I would ask you to be a little bit patient with the three of us. We are all in the learning process. I am trying to give the other two more opportunity to become involved. I think it is only through involvement that they are going to become proficient at it.

I do not have any strong feelings on this motion. I know what the intent is, but I do not see that it is really going to change things except--and this may be a plus--it may give the opportunity to the back-benchers to participate more fully and I would support that. But other than that--

Mr. Mancini: The basic intent is to allow you the discretion to recognize the fact that one opposition party has significant more seats than the other. The intent is that you would recognize that fact during question period. That is the intent of the motion.

Mr. Speaker: I know.

Mr. Mancini: So what you are saying is that you are not prepared to do that.

Mr. Speaker: No, I did not say that. I said very clearly I would be prepared to follow the wishes of the members in this regard. I am just not sure that the motion--

Mr. Mancini: If it can be amended to read better, we are willing to accept an amendment which will clearly outline our intent. If it can be phrased--

Mr. Gillies: Supplementary: You see that is our confusion. I must apologize to the member. I was presenting a counterargument to your argument. But now that I actually see the wording of the motion sitting in front of us, there is not that much to oppose.

Mr. Watson: We realize that you have a lot of back-benchers. We just want to get a few more questions in.

Mr. Chairman: Is there anything further you want to direct--

Mr. Mancini: I do not know what the member's meaning is by that statement, but if you heard the debates--

Mr. Chairman: Remo, address the chair.

Mr. Epp: I have something I would like to say.

Mr. Chairman: Is it for the Speaker?

Mr. Epp: Yes, it is.

Mr. Chairman: All right, because he has to leave.

Mr. Epp: It has to do with questions that we direct to a parliamentary assistant. For instance, last year I directed one to Mr. Rotenberg, and it means, according to the rules--

Mr. Rotenberg: That was not in question period, was it?

11:40 a.m.

Mr. Epp: During question period, but no, not to you, but George Ashe, when he was parliamentary assistant to the minister. My apologies. At that time it was decided that questions could not be directed to the parliamentary assistant unless the Premier approves it. Often the Premier is not in the House to approve or disapprove it.

Mr. Rotenberg: Or the minister, in the standing orders.

Mr. Epp: No, it is the Premier, according to the standing orders; and he is not in there to approve it or disapprove it.

First of all, I think that if parliamentary assistants are going to be paid the money they are being paid, we should be able to ask them questions in the House without having the Premier give his sanction.

Mr. Chairman: You know that is in the rules, Herb. It is part of the rules.

Mr. Epp: I know it is in the rules.

Mr. Rotenberg: We might be able to answer them better than the ministers do.

Mr. Epp: But secondly, the rules also say that the Premier also has to approve it, and he often is not in the House to even approve or disapprove it.

Mr. Chairman: You are excused, Mr. Speaker. Thank you very much for attending.

Mr. Speaker: Just before you consider the motion, I should like to raise a question for some direction.

When a point of order or a point of privilege is raised and the person has made his point, other members usually want to get up in support or in opposition. I am not sure whether that is a proper function of the system.

In my own view, I have some difficulty with it and I see a point of order or a point of privilege being raised on a very personal basis, and not for the House participation and not to open up another debate. However, precedents--

Mr. Chairman: By getting rid of the raising of a point of privilege during question period, you will eliminate a lot of that problem, will you not?

Mr. Speaker: I do not know. I just raise it for what it is worth.

Mr. Breaugh: I want to comment briefly on that. I would sense that the practice of allowing other members to speak to a point of order or point of privilege stems from the fact that the Speaker is supposed to get some sense of how the House feels on a

given matter. Technically you may be correct, that if I raise a point of personal privilege I am the only one who really can speak to that matter. But I think the practice here of allowing other members to speak to it gives the Speaker a little bit of an opportunity to get some sense of where everybody else in the House is on that given matter.

I do not find it a particularly obnoxious or time-consuming thing and I would think that, from the Speaker's point of view, it is useful to, as it were, hear the argument, just briefly, from two or three other members. Then, when you go to make a ruling, you at least have some sense of where other parties and other members are on that given issue.

Mr. Rotenberg: And more so on points of order than points of privilege. Order sometimes is someone's opinion, but a point of personal privilege, if it is truly that, between that member and the Speaker--it may be another member who was raising the point: on privilege I think you should be cutting them off more than on order.

Mr. Speaker: Thank you very much, Mr. Chairman.

Mr. Chairman: Thank you.

Gentlemen, we have Mr. Mancini's motion before us. I shall read it once more.

Mr. Mancini moves, seconded by Mr. Epp, that the order of oral questions shall start with one question from the Leader of the Opposition, followed by one question each from the leader or leaders of the other opposition parties, in order of their membership in the House. All members shall then participate in questioning, starting with the official opposition.

Mr. Mancini: I want to speak to my motion.

Mr. Chairman: You already have. Do you want to add something more?

Mr. Mancini: Yes, Mr. Chairman, and I do not want to take up too much time this morning, but the intent of this motion, and I want all members to be clear on this, is to allow the Speaker to take into consideration the strength of each party in the House, and we feel that a party with 34 seats should certainly have more consideration during question period than a party with 21 seats.

If the government members feel that, by passing this motion, they can eliminate one question from the Leader of the Opposition and at the same time not have the Speaker take into account the strength of the opposition parties, I would wish that they would think about that again.

Mr. Gillies: I have spoken to the motion, Mr. Chairman, and in fact I think that Mr. Mancini's amendment makes it that much harder for me to accept it, based on my original argument.

Mr. Rotenberg: Mr. Chairman, there are two distinct parts to Mr. Mancini's motion, and I would like to deal with them separately.

Firstly, the matter of cutting down the leaders of the two parties from two questions to one question. I have no qualms about it. It really does not make any difference to me at all. I do not think it makes much difference to the government side of the House at all. But I really put the question to the four of you opposite there is to ask is this a motion of Mr. Mancini's or something both caucuses agree to?

Because, Mr. Chairman, in this committee we are dealing with the rules of order of the House, the standing orders. It should be not just done always just by a vote of the committee and then push a vote through. It is something which should be discussed in caucus and try, if we can, reach a consensus, because unless rules are changed--

Mr. Chairman: This is a recommendation.

Mr. Rotenberg: Yes, but unless rules are changed by consensus, then I do not think they are going to work very well. On that part of it, really what I would like to see happen is that this matter be tabled and get a consensus from the caucuses, as well as just from the seven or eight members who are here. If both opposition caucuses agree to it I do not think the government would object to it at all. But that part of it should be tabled.

The second part of the motion, Mr. Chairman--Mr. Mancini may, without realizing it, be treading on some very dangerous ground, because there is the tradition in this House of rotation, not just in question period. We get emergency debates. Each party gets five minutes: in emergency debates the time is divided into three. You are in the middle. But if we get to the position where the Speaker should recognize the number of members in the House, it is a precedent not just for question period, but for many other things which go on in the House.

When we get into, as I say, emergency debates, or want of confidence debates and that sort of thing, then the Speaker, if we adopt this idea and take out the rotation that some of the other standing orders or some of the other precedents we have, then we are going to get two speakers for every one of yours and three speakers for every one in the New Democratic Party. If we accept that principle, you are going to get a situation right through this House where we are going to say: "Okay, that is fine. Then we get seven minutes for every three you get and for every two you get." I do not think that is the proper procedure.

As I say, Mr. Mancini is treading on dangerous ground. But again, Mr. Chairman, this should go to the caucuses. I do not know if maybe the whole Liberal caucus agrees, but obviously the whole New Democratic Party is not going to agree with it and I do not know where our caucus would stand if we have to, in effect, do something. But, again, I would think if we are going to make--

Of course, the change in wording is not all that much, because all it does is give the Speaker the option of doing it and the Speaker, probably in the absence of some other direction or a feeling of consensus in the House, which there obviously is not, he would, even with this change in wording, probably just continue in the same way he is doing.

But I would think, Mr. Chairman, and I would like to move that the motion, without restricting debate, be tabled, maybe for two weeks or something like that. The representative from each caucus could take it back to his caucus and get some kind of consensus on this matter.

If it is going to come out of this committee's recommendation, it should come out of both parties as more of a consensus matter than just a matter from this committee with possibly (inaudible) to go on. I do not think that is the way to deal with standing orders.

Mr. Chairman: Mr. Breaugh, do you have a comment?

Mr. Breaugh: The difficulty, of course, is that Mr. Mancini's motion deals with the matter of rotation, which is the practice in every parliament that I have seen. It is an imperfect tool. In Alberta, for example, the one independent member gets a chance to ask as many questions as the one New Democrat and the three Social Credit members of the Legislature. Unfortunately, in that House, the Liberal leader has to wait until the cameras go upstairs into the gallery afterwards.

So there is that problem and it is used in different ways in different houses. If you read the clerk's report on the matter, nobody deals with it perfectly. But I find it acceptable to maintain the rotation system as it is now, because we use it as a precedent for everything else. It is a fair and reasonable way to proceed and one which every other parliament uses. There is some danger in breaking with that precedent in question period.

If it were a larger matter, I suppose I might deal with it a little more fervently. But I do not think giving the Liberal back-benchers one more question per day, which is in effect what would happen, is going to shake the world one way or the other. I am quite satisfied with what is now the practice and would like to see it retained.

As a matter of fact, 91 of the 125 seats would probably say much the same thing. If that is a reflection of what the electorate said the last time, it seems to me that is quite fair and there is nothing for anybody to be apologetic about.

The practice is one which has more ramifications than just the question period, and that would concern me a fair amount. It is true that there is an imbalance in the question period. Everybody has the same imbalance.

The only place that I am aware of where the balance is struck a little closer to the mark is probably at Westminster. When you do go there, if you have the opportunity to see their

question, you will see that, probably on a proportionate ratio, government back-benchers will ask far more questions than they do in the Canadian Parliament. If you wanted to move to that system, I suppose that would be fair.

11:50 a.m.

What it would amount to here though is that government back-benchers would probably get four questions to the Liberal Party's two questions, to our one question. I do not sense that our parliaments in Canada want to go that way, at least they do not. It has other ramifications, other than just letting the government back-benchers ask questions now and then. They get more rambunctious when they do that.

I tend to think there is not a major injustice involved here. There is one which, from time to time--for example, after the 1975 results, I suppose we could have made a big deal that "We are now the official opposition and we demand more recognition than just the leadoff question. We want two questions to the Liberal Party's one." We did not do it then, and I do not think we would choose to do it now. So, I would say that the motion is not beyond the pale, but it is a matter of fine-tuning it. I do not think it is worthwhile doing--the danger is not in the motion itself, but in the ramifications of the precedent which it sets. So, I would speak against the motion.

Mr. Watson: Mr. Chairman, I will support Mr. Rotenberg in the matter of the tabling, because it is not that much--otherwise I would want to voice opposition against it. I am very much against what Mr. Mancini has said because there is no doubt what the intent is. If he has an intent different from what is here, then that intent should be included in some kind of language. There is no use in passing this kind of motion and saying that nobody must misunderstand what the intent is.

If that is your intent--and I understand your intent; I do not argue with your point of view on that--then in order to get my support, you are going to have to word that intent, somehow. I realize the quandary it represents as how you ration out things on a three-to-two basis and how does the Speaker keep track of it and what are the ramifications and other things. But I do not want to pass a motion that says one thing when the intent is another thing.

Mr. Chairman: He will have to have a scorekeeper, won't he?

Interjection: That is right.

Mr. G. W. Taylor: Very briefly, Mr. Chairman. I cannot support the motion as it is. I feel the intent is just a--

Mr. Mancini: You are a friend of mine, George.

Mr. G. W. Taylor: Yes. I am supporting the tabling of it and to take it back to caucus to come back, but I do not think there will be much change having gone through caucus. But very

basically, the intent to me is that we now have more seats than the NDP therefore our leaders should have two questions and the NDP should have one question, and then we will figure out the rotation after that. But that is basically the intent.

I follow Mr. Watson. If we are going to get that intent rather than trying to rearrange it after each election, we will have to devise some formula, at this time, so that all those future parliaments will have to see us. So, that basically, is the intent.

Then when you get down to removing rotation and if you are putting the intent and weighting it in the way it is presently intended to be weighted, then naturally the government back-benchers are going to say, "We want some weight too and we want a portion of the question period set aside and weighted," and then it flows through all our other things that we debate and others will--

Mr. Chairman: Then the opposition parties will end up with fewer questions.

Mr. G. W. Taylor: Quite, Mr. Chairman. I know the practice now for government members if the opposition do not and basically, if you want to get on and you are a government member you send a note down to the Speaker, be it this Speaker or previous speakers because the natural, physical tendency is to lean toward the opposition benches. If you must attract his attention, certainly standing up will not do it and our practice is a note.

I think with something of this magnitude, we will take it back to our caucuses and tabling the motion is the only way that we will proceed at this time. Otherwise, I would not support the motion whatsoever.

Mr. Chairman: I have a motion, and you can correct me if I am wrong, Mr. Rotenberg, that I would say would be seconded by Mr. Watson, that the motion of Mr. Mancini be postponed for consideration for two weeks to allow the various caucuses to consider the motion. Is that fair?

Mr. Rotenberg: Yes.

Mr. Chairman: All in favour of that motion?

Motion agreed to.

Mr. Breaugh: Could we get a copy of it?

Mr. Breaugh: Could I raise one other matter?

Mr. Charlton: Mr. Chairman, I have one matter.

Mr. Chairman: Yes. All right.

Mr. Breaugh: I wanted to raise with the committee a matter which has been discussed quietly in a number of quarters

and formally in one or two motions which have been put before the House--I think Donald MacDonald put it to the House--and that concerns the appointment of table officers. We are a little ragged about precisely how that procedure is done and we are now in the middle of doing that.

I would like the committee to consider the practice of Westminster and other jurisdictions which say in effect that table officers are servants of the Legislature and that their appointment is at the pleasure of the Legislature and the process is such that members of the House at large are involved in that process.

I do not want to get too sticky about whether we go to Donald's motion or some other practice, but I am aware that the House leaders have discussed this matter and I believe it has been the subject of a brief discussion in the House itself. I would like this committee to give some consideration to a process whereby table officers would be appointed by members of the Legislature and some process involving members of the Legislature is put in place.

Mr. Rotenberg: I question whether that is a matter in the jurisdiction of this committee unless it is referred to this committee by the House. That is not really procedural affairs. If the House wants to refer it to this committee, that is fine, but I really question if this committee on its own can take up that matter.

Mr. Breaugh: Okay. I make the argument that in our standing orders we do not know have that process in place. Other jurisdictions do. In our review of the rules maybe one of the things we ought to consider is an amendment to the standing orders which does provide for some--I am not really thinking of what we saw in California, some kind of a ratification committee for all government appointments; but I am saying that for those people who are considered to be servants of the Legislature, there ought to be a process whereby members of the Legislature participate in that.

Mr. Rotenberg: You may be right, but I say I think that should come up in the House before it comes up in this committee.

Mr. Chairman: I understand Mr. MacDonald and Mr. Martel have discussed this with staff, with the idea of getting some background information, and also getting that information when we are in England as to the practice in Westminster.

Mr. Breaugh: I think you will find that the matter has, I believe in 1979, been referred to this committee, but I would have to check to see that.

Mr. Charlton: Mr. Chairman, I would like to go back for a few moments to one of the comments that Mr. Taylor made earlier.

Basically Mr. Taylor is correct when he says that the issue of the length of time spent in question period has been discussed

in this committee a number of times in the past, but he has raised that issue again in a slightly different context this time and has tried to relate it to the priorities of this Legislature. He suggests that by spending almost a third of our time on question period as compared to the total number of House hours in the week, we have our priorities a little screwed up.

I have to take issue with that line of thinking because it seems to me that is based on the assumption that debating new policy and/or new legislation is somehow more important than seeing that the policy and/or legislation which is already in place is being administered properly. It seems to me that is a somewhat false approach to the purpose of this Legislature. It is not only our purpose to legislate, it is also our purpose to see that what we have done in the way of legislation is in fact operating.

I understand and agree that there are occasions in question period when members raise questions which in some way are a political or personal attack on someone. That happens in debates on legislation and/or policy matters in this House as well. For the most part, question period is a questioning of the government in relation to the administration of things which this House has dealt with in the past. It is my perspective that is a particularly important role this House must play. The legislative role of the House is of little or no value if the House has no role in seeing that its wishes are carried out.

12 noon

Let's be realistic. Most of the questions are raised to ministers about either legislation and/or policy; policy coming out of budgets and/or throne speeches and a number of other areas. It seems to me that is a particularly legitimate and important function of this House. If we are going to reopen that whole debate about the length of question period, then we have to do it in the light of the fact that question period is more than just an opposition technique for attack.

Mr. Epp: At some time in the future I would like to have us discuss the standing orders with reference to the parliamentary assistants where the orders read that the Premier may designate a parliamentary assistant to answer a question. I think in the absence of a minister the opposition should be able to ask the parliamentary assistant a question in the House and that we should discuss that here.

Mr. Chairman: We can put that on the agenda.

Mr. Epp: Thank you.

Mr. Chairman: Do you have any further comment on Mr. Charlton's remarks?

Mr. G. W. Taylor: Mr. Charlton is fair enough in putting his position. They are all subjective. I do not know whether you could get an objective approach.

In looking at the question period, I recognize that those issues are very much there, but if I were to use a particular example: In the previous session, we had many questions on the number of houses available, whether it was the Metropolitan market, the city of Toronto market, or my neighbourhood or somebody else's neighbourhood. If you were measuring those, the peripheral questions of whether somebody's figures were correct or what was available in different price ranges were really incidental to the overall situation. We got hung up on those details, as compared to, was there a housing dilemma, lack of housing. That happens frequently.

When you measure that against some of the legislative time, I think that we are short of legislative time. Some of those pieces of legislation do not get the fair working time that question period does when you look at the overall repetition in question period. Like Brian, I would be the first one to say that it is a very important part, but should it take one third; that is a subjective situation. That was put in the context of our entire working week, which is sometimes not the productive for all participants or for the people we are working on behalf of, those being our constituents.

Mr. Chairman: Maybe the answer is to sit longer hours during the week, who knows.

Mr. G. W. Taylor: I was pleased to see the matter of parliamentary assistants come up. I think I appreciate the reason that parliamentary assistants are not allowed to answer questions on behalf of the ministers without the approval of the Premier. There are many other features that we will discuss at that time, but for the money--I heard Mr. Epp say, "What do they get paid for?" But there are a lot of features besides being able to answer questions in the House.

Mr. Chairman: I think Mr. Epp would be the first to agree that it may be difficult to get answers from some of you fellows.

Mr. G. W. Taylor: You will have to wait till my minister returns.

Interjection: I will take that as notice.

Mr. Chairman: I just want to say, first of all, tonight the third report of this committee--the report from the last Parliament--is to be debated, the report on government agencies, tribunals and that sort of thing.

Apparently Norm Sterling looks after the speakers from the government party. I would assume that the opposition caucuses have arranged their speakers on this subject for this evening. I have not been asked to speak. Maybe it is because I was not on the committee before. In any event, my nose is out of joint, but I may be able to fill in around 10:15 or something.

I would suggest that you be in the House. If there is an opportunity to speak, I am sure you will have an opinion on it, regardless of what the list may be.

Mr. Epp: With respect to that, how many members here were on last year's procedural affairs committee? Out of the six of us, there was one.

Interjection: Mike was.

Mr. Epp: That would be seven; Remo is eight.

Mr. Chairman: I would suggest that maybe the clerk, or some member of the staff check with Mr. Sterling and make sure he has volunteers from all parties for tonight's debate; either check with the House leader or at least make sure that report, which is a rather good report in my opinion, and worthwhile, is properly debated tonight.

Mr. Watson: Mr. Chairman, did we not as a committee, in terms of getting it on tonight, refer it--was there not a motion that it be referred to the House--not referred, that is not the right word, but I think this committee passed it in terms of the necessary motion to put it to the House, but not necessarily content with it?

Interjections.

Mr. Charlton: That is the committee's report. The report which is on tonight is an agency report.

Mr. Chairman: Government agencies. Yes.

Mr. Charlton: That was actually tabled in the House by the previous committee.

Clerk of the Committee: It is not a report of this committee. It is a report of our predecessor committee.

Mr. Charlton: The report you are talking about was the report which the previous committee had worked on but had never reported to the House.

Interjection: Yes.

Mr. Charlton: You are right. You did a particular technique here last spring, to deal with that report?

Mr. Watson: I thought it was coming up that the people here--and what bothered me about it--not having sat on the committee, I do not want to be accused of saying the procedural affairs of this Parliament necessarily back it but some people wanted a chance to debate it.

Mr. Charlton: In the case of this report tonight, it is not a question which relates to that at all. This report was tabled last fall in the House by the then committee.

Mr. Chairman: It is not the report we tabled this past spring.

Mr. Charlton: Yes, it has nothing to do with anything that this committee had done.

Mr. G. W. Taylor: It is from the previous Parliament.

Mr. Charlton: That is right.

Mr. Watson: Somebody had to do some footwork to get a report of the previous committee debated within this Parliament.

Interjections.

Mr. Chairman: As a matter of fact, if it might be possible, I would suggest that the copies of that particular report be distributed to members of this committee today, this afternoon, so we are quite aware of it. For example, I am not sure if we all have one.

Interjection: It is the yellow one.

Mr. Chairman: It is the yellow one. It is that one. Yes. We all have a copy.

Mr. Eichmanis: Yes. All of you should have a copy of that.

Mr. McLean: I have had this for quite some time.

Mr. Chairman: All right. Next week, the fourth report will be discussed by committee; the fourth report on agencies, boards and commissions, as a result of our deliberations this summer. That draft report will be distributed next Monday to the members of the committee and I would assume that you would want to meet in camera next Thursday to discuss the report. Do we have a consensus? All right, that is agreed.

Mr. G. W. Taylor: Do you want to take a week off and go to California; sort of a special envoy.

Mr. Chairman: I think we have all that material. We have a report on that particular trip coming in as well.

If there is no further business, we stand adjourned until next Thursday at 10 o'clock.

The committee adjourned at 12:08 p.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

GENERAL BUSINESS

THURSDAY, NOVEMBER 5, 1981



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)

VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)

Breaugh, M. J. (Oshawa NDP)

Charlton, B. A. (Hamilton Mountain NDP)

Edighoffer, H. A. (Perth L)

Epp, H. A. (Waterloo North L)

Hodgson, W. (York North PC)

Mancini, R. (Essex South L)

McLean, A. K. (Simcoe East PC)

Robinson, A. M. (Scarborough-Ellesmere PC)

Taylor, G. W. (Simcoe Centre PC)

Watson, A. N. (Chatham-Kent PC)

Clerk: Forsyth, S.

Research Officer: Eichmanis, J.

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, November 5, 1981

The committee met at 10:36 a.m. in room No. 228.

GENERAL BUSINESS

After other business:

Mr. Chairman: The next item is the oral question period. There is a motion by Mr. Mancini regarding standing order 27(b).

Mr. Mancini: Mr. Chairman, we had a full plate at Tuesday's caucus meeting and were unable to get to that particular item on our agenda. You may recall that the Suncor filibuster debate was still going on at that time. We were actively discussing in caucus ways of trying to find out what the government is actually doing with \$650 million of the taxpayers' money.

Mr. Rotenberg: I move that the matter be deferred.

Mr. Mancini: I am explaining to the chairman why we can't discuss it today.

Mr. Chairman: Are you in your seat?

Mr. Breaugh: He got you there.

Mr. Rotenberg: We invited him over to this side, Mr. Chairman. He is one of the good guys. We have invited him over to our side of the table. He's trying it out.

Mr. Mancini: Getting to the end of my comments, Mr. Chairman, we are unprepared today to discuss this matter further, but we will be prepared for the next meeting.

Mr. Chairman: So you will be discussing this at the next caucus meeting?

Mr. Mancini: Yes, that is correct, unless the government decides to buy the other 26 per cent of Suncor between now and then. Other than that, we will be safe.

Mr. Rotenberg: And then we will get Mike's support.

Mr. Chairman: Do you think we should postpone this for a week or two weeks? What do you think is the safest?

Mr. Breaugh: Why don't you just move closure on it? That seems to be very popular these days.

Mr. Mancini: When is the next procedural affairs meeting?

Clerk of the Committee: Next Thursday.

Mr. Mancini: I think we will be ready for next Thursday, Mr. Chairman.

Mr. Edighoffer: Some members will not be coming in Thursday morning.

Mr. Chairman: That's right, because of next Wednesday.

Mr. Mancini: That is a good point. Two weeks, Mr. Chairman.

Mr. Chairman: All right, we will plan it for two weeks from today, November 19.

Mr. Mancini: The same applies to item number three on the agenda, Mr. Chairman.

Mr. Chairman: That is referral of the annual reports. We will put that item on as well for two weeks from today.

That brings us then to the question of parliamentary assistants answering questions, standing order 27(g), which reads, "Parliamentary assistants may direct questions to ministers other than their own," and then in 27(h), "Parliamentary assistants may answer for their ministers only when authorized by the Premier." I guess we had some discussion about this at one of our previous meetings. I think Mr. Epp raised it at that time. Do you want to comment further on it, Mr. Epp?

Mr. Epp: First of all, my own belief is that if a parliamentary assistants are appointed and paid for it, as they should be, obviously they should be entitled to answer questions in the House. I remember on one occasion I was somewhat incensed when I asked a question of Mr. Ashe when the minister was not there and was told he could not answer questions. That was when I was relatively new to the House. I am not sure whether the Premier was present at the time or not.

I wish the government would go that far on this, but I am not sure they are prepared to do so. Failing that, I hope that at least the minister, or somebody else, could give permission for the parliamentary assistant to answer a question because the Premier is not here that often. This week he was not here on Monday or Tuesday and he probably will not be here today, and for good reason. That means no parliamentary assistant will be able to answer questions because the Premier is not there to give permission.

Mr. Robinson: Perhaps the House leader could do it.

Mr. Epp: Yes, the House leader, the acting House leader or somebody of that nature could do it. I would like to get some feedback from the members, particularly of the governing party, and also from Mr. Breaugh, because I think that parliamentary assistants should be able to answer questions without somebody having to authorize them to do so. But there is no use hitting your head against the wall and hoping that will happen when we have no chance of having it happen.

Mr. Chairman: Any comments on that?

Mr. Watson: I think part of the reason for that rule is to take care of situations which we do not have at the moment. When the Premier gives permission it is not necessarily intended, as I understand it, to apply at the particular moment when the question is asked. We could have a situation where a minister, for whatever reason, is absent on a long-term basis. Officially some other minister acts on his behalf--there is no question about that--but we could easily have a situation where the ongoing business of his ministry is handled by the parliamentary assistant to that minister, and the Premier would authorize that questions to that ministry may be directed to the parliamentary assistant. I concur with that procedure.

What I do not concur with is the opposition parties trying to get information from one source and then from another. You as opposition parties are able to pick those out because some of us are looking after particular programs and they may be in conflict. I think there must be one person speaking for a ministry.

As I recollect, the funniest thing I ever saw happen in the House was when somebody asked Jimmy Auld about the program in energy that was in conflict with the program in the Ministry of Natural Resources. He got up and said, "I have been talking to the Minister of Natural Resources about that," which gave the impression he had been talking to himself. It was, in my opinion, rather humorous.

It is in that kind of situation that it can arise. I do not think it is the intent in such cases to have two people speaking on the matter. I think the intent, as I understand it, is to give somebody that responsibility on an ongoing basis. If a minister should be absent for whatever reason and it was agreed that the ongoing business be handled by a parliamentary assistant, that some other minister be designated to officially represent that, then that is probably the intent of that order. I think it is not a bad system.

Mr. Epp: I have seen, not in the House but in committee, on a number of occasions the parliamentary assistant answer on behalf of the ministry. David Rotenberg has done that, for instance. I remember when I sat on the general government committee for four years that George Ashe and he on successive occasions were parliamentary assistants and answered questions.

They have done it in the House in introduction of bills and have put forward the government's position on those bills. I see an inconsistency here in saying, "You cannot speak for the ministry in question period in the House, but you can speak for the ministry when you are introducing important legislation or when you are speaking in a committee on important matters."

I guess I am slow but I do see an inconsistency here. I do not see where it necessarily follows that there is that great a difference. There are two people speaking for the ministry in that case. I just put it to you that if you want to be consistent, you

should let the parliamentary assistant speak. The other thing is that in the parliamentary system it would make it more meaningful for that person to know what is going on in the ministry and to become a more important asset to the minister.

I remember one occasion last year, and you probably recall this, where one of the deputy ministers was asked the name of the parliamentary assistant. He did not know who the parliamentary assistant was for that ministry.

Mr. Breaugh: For that kind of money they ought to know the players.

Mr. Epp: That is embarrassing to the parliamentary assistant particularly, but also to the minister and the deputy minister.

Mr. Rotenberg: Mr. Chairman, there is not an easy answer. Mr. Epp makes some good points. I can speak from personal experience, having been parliamentary assistant to two ministers.

First, we have to understand that the minister is responsible for his ministry and has the sole responsibility. The parliamentary assistant, depending on the minister, takes on those assignments and responsibilities which the minister gives to him. As a parliamentary assistant, I have not normally been involved in all of the minister's situations.

I was parliamentary assistant to Tom Wells in Intergovernmental Affairs, which really had two main responsibilities, the constitution and all the federal-provincial affairs and municipal affairs. I think you know, Mr. Chairman, and certainly Mr. Epp knows, I concentrated my responsibilities, given the assignment, to do all the detail work on municipal affairs and did not get very much involved in the other part of the ministry.

With the Ministry of Municipal Affairs and Housing, I am very much responsible, as the member says, in general government committee for private bills and legislation. I was very much involved in the details of the municipal legislation and municipal problems, and not nearly as involved in housing matters.

Speaking personally, if I were to answer questions in the House and if there was a question that Mr. Epp, as the critic in municipal affairs, wanted to ask on municipal affairs, I could probably answer it and have the details at my fingertips, as the minister does. On the other hand, if your housing critic asked for some details about a housing program, just because of the nature of what I do, I would not be as knowledgeable on that part of the ministry and possibly would not be able to answer the question as well.

However, when it is specific legislation in the House, as Mr. Epp says, I do carry that. I have been given that responsibility and it is my job to be totally knowledgeable and be able to answer in the House for the government on those particular matters.

Let us understand what question period is. Question period is not what it is in the book, a matter of opposition members seeking information. Question period is really a way to try to embarrass the government, to try to find out things that are not told, to try to put people on the spot, and so on. Whether we admit it or not, that is what question period is.

Interjections.

Mr. Mancini: We never try to embarrass the government in question period.

Mr. Breaugh: There is no need.

Mr. Rotenberg: You can get a situation where a parliamentary assistant in many ministries, because of the nature of his job and responsibilities and how he handles it, may not be totally knowledgeable. To have it wide open for an opposition member to be able to ask the minister and/or the parliamentary assistant any question, I think is just not in keeping.

When the minister is not there, you might be able to ask a question of the parliamentary assistant. He may say, "I will get that information; I don't have it," which is not really helpful. Quite often, as Mr. Watson says, it has been the practice of this government, and probably other governments, that there are back-up ministers. For example, for every minister who is not present, another minister, usually in the same policy field, assumes the responsibility for that ministry for whatever statutory responsibility there is.

That is the way it is. There can be some broadening of it, if the question is to a parliamentary assistant when the minister is not there, or even sometimes when the minister is there. I think it could be broadened with the permission of the Premier or the minister or the acting Premier or House leader, say, because I think there may be some legitimate times when a question could properly go to the parliamentary assistant.

Again in my case, Mr. Epp, if you wished to ask a question on a municipal affairs matter when Mr. Bennett was not in the House, I could probably--not always but probably--have the answer for you and know what the answer is. But if your housing critic wanted to ask me a question on some Ontario Housing Corporation matter or some housing development matter, I would probably not be nearly as knowledgeable about it and probably would not be able to answer the question.

I think there has to be some control on the questioning of parliamentary assistants and I think it could be broadened slightly, when members seek information, to allow other than just the Premier giving permission. It could be the Premier or the minister or the acting minister or the House leader; it could be all of those people. There could be some wording which would encompass collective cabinet responsibility, that the person in charge or the House leader of the government might give permission. That I would go for, but I cannot see having a wide

open situation where any member can stand up at any time and ask a parliamentary assistant a question if the minister is not in the House. I do not think it is fair and I do not think it really accomplishes what question period is all about.

Mr. Breaugh: As a rule, it is my understanding that parliamentary assistants do not sit in on cabinet meetings.

Mr. Rotenberg: They do not go to cabinet meetings, no.

Mr. Breaugh: It would be a rare thing for them even to be present when the cabinet was discussing something.

Mr. Rotenberg: We are not members of cabinet and we do not sit in on cabinet. As parliamentary assistants we are not responsible ministers in the political science sense of responsible government. We are really back-benchers. We are not members of the government. When a minister stands up and answers a question, he is answering for his ministry and he is answering for the government. A parliamentary assistant is not a member of the government.

Mr. Breaugh: That is the point which makes it a little difficult to determine how fair it is to put a parliamentary assistant into the question period on a regular basis because you really are questioning the government, that is, the cabinet, about whatever the government is doing or not doing. In that sense, it is not fair and it is not reasonable to put a parliamentary assistant in a position where he is being accountable for something in which he did not participate and was not part of that particular act.

The other side of the coin is that more and more parliamentary assistants are taking legislation through the House, participating in estimates and, in general, representing that ministry and, therefore, the government outside of the Legislature. For example, I have seen parliamentary assistants at various openings and cheque presentations and things like that. On those occasions, at least to the general public for all intents and purposes, there is your government giving you \$100,000 or driving your mother out of a hospital or whatever it is the government is doing at that particular moment. So you cannot have it both ways.

The other point I wanted to make is that I recall occasions when the parliamentary assistant and his actions were really the subject of a question. It seems to me in such an instance it is certainly fair to say that if it were Ronnie McNeil who went up and looked at that particular piece of property, why is it that Ronnie is not accountable in the House? It strikes me he should be.

Mr. Rotenberg: With respect, he is accountable through his minister, because his accountability in the House is from the government collectively and not--

Mr. Breaugh: No, let me finish. I think it would be reasonable in that instance where you are questioning the actions

of the parliamentary assistant. The reason I think it is fair is that there would be very few other occasions when you could even ask that question. You might in estimates--I imagine you would be able to get away with it there--but that severely restricts when you could ask the question. It seems to me that there is a measure of fairness in saying with that kind of a question, where you are asking specifically about what the parliamentary assistant did, he should be accountable and, if in question period, you should be able to ask that kind of a question.

There are two things to it there, and I guess the third element is one which others have touched on. When the minister is not there, you can ask of one of the provincial secretaries who usually gives you the nonanswer of the year, or you can ask the Deputy Premier or the Premier or the House leader, and really you get nonanswers there. It seems to me in that instance, from the government's point of view, there might be some advantage in allowing the parliamentary assistant to proceed with business, though not in the abnormal situation where the minister is ill for some period of time or absent for some period of time.

I think on balance I am looking for what Mr. Rotenberg is looking for, some restriction on the nature of when you would be able to ask questions of a parliamentary assistant, but generally falling on the side of the argument that you should be able to ask a parliamentary assistant a question. Protection would be on the government side so that, as with a minister, the parliamentary assistant can simply say, "I do not know. I will get an answer for you. I would want to consult with the minister on that matter." There is a lot of protection there for the assistant if he does not really know or if he does not really want to answer.

Mr. Watson: That is why we have guys like Rotenberg. I am sorry, Dave, I will take that back.

Mr. Breaugh: I tend to think if there is a balance on both sides that you should be able to ask the parliamentary assistant a question. There is a lot of protection there on the government side and it seems like a fairly reasonable thing to do.

Mr. Chairman: I just want to comment. One thing we have that other parliaments do not necessarily have is a provincial secretary. It has been the habit of the opposition, when the minister has not been in the House, to ask the provincial secretary. I do not know how complete or satisfying the answers may be, but when it is a general question dealing with a particular field, for example, resources, there have been answers in many instances.

One thing--and I think Mr. Rotenberg touched on it--about the situation in Ottawa is that in Ottawa there is a first acting minister and a second acting minister, particularly where a minister may be away from the House for some period of time. Those are established by order in council and are tabled, so all members of the House know who is, say, the Minister of Labour for that day in the event that the Minister of Labour himself or herself happens to be away.

Mr. Robinson: I want to ask Mr. Breaugh a question. Let us talk about the Ronnie McNeil situation just for a minute because I think that is a little bit different than asking a parliamentary assistant to answer for the minister. Why should the PA in that situation be any more susceptible to answering than a committee chairman or some other member of the government not in cabinet? If you can call Ron McNeil into account in the House for his activities as a parliamentary assistant, which were activities he conducted on his own, does it not also follow that you could call George Kerr to the floor to answer for some statement he made in committee or for some direction he took in committee, or someone else?

Mr. Breaugh: Oh, yes, I can do that.

Mr. Robinson: Not in question period.

Mr. Chairman: Apparently, that was attempted in Ottawa and the Speaker is looking into it.

Mr. Breaugh: I can at least attempt to do that. I could, for example, raise a point of order or raise a point of privilege that something happened to me in committee if I did not like what Mr. Kerr said.

Mr. Watson: You can bring it up in the committee.

Mr. Breaugh: Yes, that's right, and we could argue that point of order.

Mr. Robinson: But there is no compulsion for him to answer a question.

Mr. Breaugh: There is no compulsion for a minister to answer either.

Mr. Robinson: The ministers are there to answer. The parliamentary assistants may not be. I have less difficulty with the parliamentary assistant answering as Mr. Roterberg has outlined--he and I have an absolutely identically position on that matter--but I really would have as much difficulty with your bringing Ron McNeil's actions on one particular issue into account as a parliamentary assistant as I would in question period if you could virtually make every member of the government responsible to answer. I think you have to do one or the other. I think either everybody is accountable or it remains as it is now, that the ministers are accountable.

Mr. Rotenberg: Mr. Chairman, I think the key word is accountability. In question period you are questioning the government. I am a parliamentary assistant. I am not a member of the government. The government is the cabinet. I am a member of the party which supports the government, but I am not a member of the government. Therefore, the theory simply is that if you want to ask a question of the government, and whoever is leading the government at that particular moment says, "Some other person has that information," meaning the parliamentary assistant, then the government is taking the accountability. They are the ones who are accountable, the cabinet not me.

Mr. Chairman: But they are--

Mr. Rotenberg: Just let me finish Mr. Chairman. They are accountable. They are the ones who made the policy. I did not. I may have some feed in; whatever feed in I have is between me and my minister. I sit in the House as a parliamentary assistant and I am not accountable for the government and I am not responsible in the Legislature for that policy unless I am specifically designated by the government to be responsible in situations such as Mr. Epp mentioned. When you get into question period you are questioning the policy of the government. Let us take it on a high plane. The government is accountable to all members of the Legislature, including to me. All the ministers, except my own, are accountable to me as well as to you for their policy.

11 a.m.

The questions are to the government and the question is up to the government, being the cabinet or whoever is leading that government. I agree that it could be expanded beyond the Premier. You pick on the relevant minister because you were told that is the person who is responsible for that policy, who is accountable. If he is not there, you look for someone else who is accountable, who may be the policy secretary or another minister who is covering for him. The parliamentary assistant is not accountable in the House by our system of government.

Mr. Chairman: The point is that principle has been established by section 27(h). The principle has been established that a parliamentary assistant may be able to answer a question.

Mr. Rotenberg: With the permission of the government. That is what I am saying.

Mr. Epp: Or the Premier.

Mr. Rotenberg: I would recommended a change to with permission of the government, or however you want to word it, so it does not have to be the physical presence of the Premier himself. It can be whoever is responsible.

Mr. Chairman: How about the House leader? Just let us wind up this debate by adding the words "or the government House leader." How about that, Mr. Epp, will that be enough?

Mr. Epp: Yes, the government House leader or acting House leader or something of that nature.

Mr. Robinson: The House leader is the House leader.

Mr. Rotenberg: Whoever is acting House leader is House leader.

Mr. Robinson: As long as there is no shifting title.

Mr. Chairman: There is always somebody there.

Mr. Breaugh: Well, on Tuesday night we found out your version of accountability.

Mr. Epp: Mr. Chairman, I really would prefer it the other way, but if we could get some kind of consensus on this then that would be an improvement anyway.

Mr. Chairman: Is there any comment on that addition? Do you want to make a motion, Mr. Epp?

Mr. Epp moves that we amend section 27(h) to read as follows: "Parliamentary assistants may answer for their ministers when authorized by the Premier or government House leader."

Is there a seconder for that? Mr. Breaugh. Any further comment?

Mr. Robinson: I have a question. Why, Mr. Epp, are you not satisfied that parliamentary assistants may answer questions for their ministers only when authorized by the Premier or the House leader?

Mr. Chairman: That is what we are saying.

Mr. Mancini: We are not satisfied with that.

Mr. Epp: I am prepared to accept that today, but I really would like to see us be able to put questions to the parliamentary assistant when the minister is not there, without the permission of the Premier or the House leader being necessary. I do not seem to get any consensus over on that side, any support from your side of this committee room, so I am prepared to--

Mr. Robinson: I was not asking you for the reason. I was only asking why you changed the language.

Mr. Breaugh: The motion would simply be to add the words "or government House leader."

Mr. Chairman: Mr. Taylor, would you like to comment?

Mr. G. W. Taylor: Very briefly, Mr. Chairman. Naturally, as my colleague Mr. Breaugh said, I would be opposed to it, and I would be. I am a parliamentary assistant. I feel I am designated one. The Premier tells me I am going to be a parliamentary assistant and tells me when I am not going to be a parliamentary assistant.

We have now rearranged the order, and I assume when he appoints us he has some reason for appointing us. It may be longevity, it may be somebody in waiting or somebody he has a great deal of confidence in, or any number of reasons for the Premier choosing anybody to be a parliamentary assistant. I cannot get away from the argument put by Mr. Rotenberg, which Mr. Robinson agrees with, that we are designated to do certain things only when our minister designates them, and we are not designated to answer questions in the House where the period is designed primarily to elicit government policy and its direction.

I do not make government policy. I do not have input into government policy as it is so defined in its concise terms. Thus, when it is set up that the Premier, as it is so described, is the one who designates or gives permission for somebody to answer in the House, then he is extending the number of those who can answer for his government, and it is he who chooses his government. By our rules committee extending the peripheral area of the parliamentary assistant beyond what he thinks the responsible parliamentary government procedure is, I think we are being very generous to ourselves.

Naturally, I would not want to extend that mandate to the House leader who does not control me, whether or not he is a minister. I am not even responsible to the House leader, and now we are attempting to designate the House leader as one who may allow me to answer questions as he feels necessary. I could not see that situation.

Even if you restricted it to the minister, that would be the most one could do. The minister also designates the work load and the things one does on behalf of that ministry.

Mr. Chairman: We assume he is not there.

Mr. G. W. Taylor: That is assuming that one says that the Premier, if the rule explains it that way, could give a blanket designation and say, "Okay, Taylor, whenever the Attorney General is not there, you can answer." It is not specific in that regard, that the Premier turns around and says, "Taylor, you are here. You answer for the AG." It is not that way. It does not say whether he can give a blanket permission or permission as each question arises when the minister is not there. The rule is a little bit imprecise in that respect.

I think that if you are going to have an imprecise rule, as it now is, and then extend it to the House leader, who has not designated me as a parliamentary assistant and has no control over me and may not even be a member of cabinet, or to somebody else who then will designate who is going to speak for the government, you are extending that rule, as laid out, even further as was mentioned earlier, to the possibility of the minister laying his hands on you and saying, "When I am not there, you answer the question." At present it is the Premier. I think that is the correct rule and one that should not be extended.

Mr. Rotenberg: Some things that George Taylor said make sense.

Mr. G. W. Taylor: Thank heavens.

Mr. Rotenberg: The thrust of Mr. Epp's proposal, which I buy, is that when the Premier is not there, someone else should be able to give the permission. I agree with that. But rather than it being the House leader, it should be whoever is acting Premier because that is where the responsibility lies. I would rather add the words, "only when authorized by the Premier or in his absence the acting Premier." That is where the permission should come from.

Mr. Chairman: Is there always an acting Premier?

Mr. Mancini: Not always.

Mr. Rotenberg: I think there is automatically an acting Premier. There is someone when the Premier is out of town. Bob Welch is now Deputy Premier.

Mr. Chairman: Assuming that the Premier is not out of town but just does not happen to be in at question period, what then?

Mr. Rotenberg: Let me put it this way, Mr. Chairman. Whatever motion we pass today is going to have to go through certain processes before it gets into the House anyway. Having sympathy with Mr. Epp's proposal, which is that there should always be someone in the House who can give permission for a parliamentary assistant to answer a question, with Mr. Epp's permission I would like to let this sit for a meeting and consult with the Premier or the cabinet, or whoever is over there at the House, and find out what wording we should put in this motion which will make sure there is always someone there to give permission.

Mr. Mancini: We have a job to do. Let's make the recommendation and--

Mr. Rotenberg: We have a job to do, but you are, in effect, saying to the government, which is the cabinet, "We would like someone in the House acting in the Premier's stead, under section 27(h), always to be able to give that permission." That is what our request is and it is a legitimate request. But it is up to the cabinet, the government or the Premier to say who should be the designee in that motion because it is up to him to designate who would assume that responsibility if he is not there. Yes, our responsibility as a committee is to say, "We want somebody there." It is their responsibility to designate who it is.

Mr. Chairman: We should not lose sight of the fact that in question period the ministers have the right to refuse to answer and have the right to take notice of the question. The same privilege would apply to a parliamentary assistant. I know you want to look good, and I do not blame you. When a question is put to you, you want to be able to answer the question and handle all those supplementaries.

11:10 a.m.

Mr. Rotenberg: That is not the point, Mr. Chairman. The point is that the questions are to the government and parliamentary assistants are not members of the government. Therefore a parliamentary assistant should only answer a question when the government--

Mr. Mancini: Who is the government?

Mr. Rotenberg: The government is the cabinet, not the members.

Mr. Mancini: That's ridiculous.

Mr. Rotenberg: That is not ridiculous.

Mr. Mancini: That is not what you say at election time in my riding.

Mr. Rotenberg: In the House, the government is the cabinet and, therefore, the permission--

Mr. Mancini: In my riding at election time they say, "elected member on the government side," so what the devil are you talking about?

Mr. Rotenberg: I am on the government side but I am not a member of the government; I support it.

Mr. Mancini: Oh, come on. You are trying to have it both ways.

Mr. Rotenberg: Of course. I always do.

Mr. Chairman: We are government members.

Mr. Rotenberg: We are government members, Mr. Chairman. I think it is proper to say, and I agree, that the government is the one that designates. It is up to the government to say who is going to make that designation. Our book now says the Premier, and whoever the Premier puts in charge when he is not in the House is the one who should go into the rule book.

Mr. Chairman: We have two situations here. We have a situation where we know a cabinet minister is away and may be away for two or three days, so what do we do? Do we invoke section 27(h) on a question of some urgent public importance that cannot wait for three or four days?

Then there is the situation where the minister happens to be in town, but is at a meeting of some kind and is not in the House during question period. Is that when section 27(h) applies?

Mr. Rotenberg: No, Mr. Chairman, it is not.

Mr. Chairman: If we want to provide something that enables an opposition member to ask the parliamentary assistant a question, because he cannot wait until the minister returns to the House after a reasonable absence, is this then what we are trying to provide?

Mr. Rotenberg: With respect, Mr. Chairman, we are not. When the minister is not there and it is a matter of urgent public importance, the question goes to the government; it goes to the policy field chairman, to the Premier, to the Deputy Premier or whoever. It is the cabinet who is responsible for that policy and the cabinet should respond to urgent public business which may require an explanation of government policy or a change in government policy. A parliamentary assistant is not technically qualified to answer for government policy because he is not a member of cabinet.

When the minister is not there, the question goes to the government. If it is a matter of detail and the government wishes to say, "Yes, the parliamentary assistant can answer that question," that is a matter for the government to decide, not for the member of the opposition or anybody else to decide.

Mr. Chairman: Are you saying the Premier is the government?

Mr. Rotenberg: The Premier is the head of the government.

Mr. Chairman: You are using the words "for the government to decide." Is there any reason why that cannot include the government House leader?

Mr. Rotenberg: It includes whoever the Premier designates to answer for him when he is not in the House. The government House leader may be the right answer; it may be the Deputy Premier. I really have no problems with the government House leader as long as that is satisfactory to the government.

Mr. Edighoffer: I think this week is a typical example. We have had three ministers away all week. Members should have a right to refer questions to parliamentary assistants under certain conditions. What we are talking about here are strictly rules of the House. We have a government House leader that really controls what takes place in the House. So I do not see anything wrong with allowing the government House leader to decide whether those questions should go.

Mr. Chairman: If the Premier is not in the House.

Mr. Edighoffer: If the Premier is not in the House.

Mr. Rotenberg: That may be the answer, if the motion carries, for the government House leader to do it at this time. There may be some suggested amendment to that wording. As I say, I agree with the principle of Mr. Epp's motion. I am just saying the government House leader may not be the proper designee, but for the moment it does not make that much difference.

Mr. Chairman: Do you like the idea, Mr. Epp, that there be a rider added to your motion that it be submitted to the government for comment? Your motion is, basically, that section 27(h) of the standing orders of the Legislative Assembly be amended by adding the words "or the government House leader," and that this amendment be submitted to the government for comment on the recommendation of this committee, or something like that.

Mr. Epp: Wouldn't they have a chance to comment on it later?

Mr. Chairman: They would but if we put it in the form of a resolution, the way we have it now, then it is the firm opinion of this committee.

Mr. Epp: Yes.

Mr. Breaugh: Might I suggest, Mr. Chairman, that we put this thing on our list when we complete the review of the standing orders because I am a proponent of the notion that we should not be proposing changes in the standing orders this way. I believe we should go through them and have the arguments. On this one, for example, I do not get a ready consensus on it. I would be prepared to table it until such time as we do a thorough review of the standing orders, which I anticipate will be before the end of this fall session. That gives the government and everybody a chance to go away and think about it for a while.

Mr. Chairman: Do you want a recommendation or a proposal that section 27(h) be amended by adding certain words and be considered by the committee along with the other recommendations?

Mr. Breaugh: We have a motion now from Mr. Epp which proposes that the amendment be and/or the government House leader.

Mr. Chairman: Yes.

Mr. Breaugh: We have that motion on the record. I am proposing that we would now table it until such time as we do the review of the standing orders.

Mr. Chairman: We postpone consideration or voting on the motion.

Mr. Breaugh: Yes.

Mr. Epp: I prefer that we do vote on the motion, Mr. Chairman. Otherwise, we are going to go through the whole thing again and we have spent about an hour on it already. I would like to see us take a position on it. Then if we want to table it to include in a package later on, we could do that.

Mr. Rotenberg: Mr. Chairman, I think there is a middle ground between those two positions, which is just what Mr. Epp said. I am prepared to vote on the motion if it is a motion that we approve this for consideration when we are dealing with the revision of the standing orders so that we will get it on our books as a motion. I am prepared to vote for it on that basis, provided that it comes back here for another review before we send it on to the House and there is a chance later on to maybe make some amendments to it before we send on the package. I think that really is what Mike Breaugh is getting at too. I am prepared to vote on the motion if it is a motion to approve this for consideration when we deal with the standing orders.

Mr. Epp: I agree with that. I just want to make sure we do something today on it. If we just table it today without making a decision on it, then later on everybody is going to say, "What did we do with it?" I think we should make a decision today.

Mr. Chairman: Mr. Epp moves that the committee recommends that standing order section 27(h) be amended by adding the words "or the government House leader" and that the motion be tabled for later consideration by the committee.

Motion agreed to.

Mr. Chairman: Next on the agenda is number five, filing requirements re notices, the suggestion of the Clerk regarding standing order 82.

Mr. Breaugh: I would like to speak to this one.

Mr. Mancini: Could we have an explanation?

Mr. Breaugh: I understand what the Clerk is recommending to the committee. It would appear on the surface to be simply a matter of extending the time available for presenting notices.

The difficulty I have with it is that I rather like the present practice in that once a day we know what will come up the following day. It seems to me that there is no great advantage in extending the time available and I am not in favour of the recommendation. I would prefer that the standing order remain as it is.

I don't think it is that onerous a proposition to say that if you have a notice of whatever form that is required for the next day, you get it together by five o'clock. If you have some big emergency, we will waive the rule, but that as a matter of standing procedure you get it ready by five o'clock. Then it gets printed and goes on the Order Paper the next day.

Mr. Rotenberg: I thought this was something which, if it is not agreed upon, then forget about it because it is not that important. I just thought if everybody agreed to extend it, fine; if not, forget about it

Mr. Chairman: Does everybody understand what we are attempting to do here? Do you understand what the amendment is? Let me just read it.

Mr. G. W. Taylor: For the adjournment of the House, you can get a ten o'clock drop on the table the way it is written there, which is not at all satisfactory.

Mr. Breaugh: We have this practice of getting your notices into the Clerk's office by five o'clock. We have waived that regularly when there was a reason for waiving it, when there was consensus we ought to put forward a different motion, a different amendment or a different notice of whatever kind. I find that is an acceptable way to do business and I just do not want to encourage the practice of getting sloppy about providing notice on any matter. I do not sense there is any real urgency on our part to change that one and it strikes me it would just encourage sloppy procedures.

11:20 a.m.

Mr. Chairman: I was just wondering does anyone know why the Clerk is recommending the amendment?

Mr. Rotenberg: Just a question I want to ask; maybe Mike Breaugh knows better. If whatever is placed on the table gets on

the next day's Order Paper, then I see no problem with the timing on it. If you filed at 10 o'clock at night and it could not get in the next day's printing, then it should not be done, but as long as it can be in in time for the next day's printing, what is the difference what time it gets in?

Mr. Breaugh: No, that is not the point. The point really is simply to require that proper notice be given when you are putting things on the Order Paper for the next day. To me and to the previous committee, it was sensible that if you could not get it together by five o'clock in the afternoon, present it to the clerk and then have it printed for the paper for the next day, you should wait an extra day. Really what it speaks to is the plain fact that a lot of people will be in for the afternoon session, then have speeches somewhere at night and will not know what is coming up the next day. By five o'clock you can find out what notices are there. It seems to me that is a reasonable way to proceed.

Mr. Rotenberg: May I ask you is it a practice for you--it isn't of mine--to go to the Clerk every day at five o'clock and ask what has been filed? Or does the Clerk inform your caucus or does the House leader--

Mr. Breaugh: No. In our caucus the House leader's assistant will go down at five o'clock and find out what notices are in for the next day.

Mr. Charlton: And she will talk to the appropriate critic about it.

Mr. Breaugh: She will get hold of the critic and say, "Here is a notice that affects you."

Mr. Rotenberg: In other words, if it comes in much later, there is not enough notice for your party even though it is still on the next day's printing.

Mr. Breaugh: Yes.

Mr. Rotenberg: Mr. Chairman, I find that a reasonable criticism. I am prepared just to forget about it.

Mr. Chairman: In case anybody is not quite familiar, I do not know if you have the memorandum to the clerk of the committee from Mr. Lewis dated October 9, but it would permit notices to be filed up to six o'clock on days when the House rises at six o'clock; up to 10:30 p.m. when the House sits at night; and up to one o'clock on Fridays and five o'clock on Wednesdays when the House is not sitting.

Mr. Mancini: I find the ten o'clock objectionable. I do not mind so much the six o'clock, Mr. Chairman, but ten o'clock I think is far too late.

Mr. Rotenberg: If there is not a consensus on it and one party finds that after five o'clock is inconvenient for the proper ordering of its business, the convenience we might get for somebody else is not, to me, sufficient if one party feels that it would hamper its operations in the House.

Mr. Chairman: Are there any other comments on this?

Mr. Watson: I am still trying to figure out where it has been changed.

Mr. Breaugh: If you look on the third page of the memorandum, the present standing order 82 is printed and you will see on the second page of the memorandum Mr. Lewis' recommendation for change.

Mr. Watson: The present one says five o'clock. He was proposing this one which says five o'clock.

Mr. Breaugh: No.

Mr. G. W. Taylor: It says, "before the adjournment of the House on any day on which the House is sitting and before five o'clock on a Wednesday." That is quite different. We adjourn at 10:30 p.m. which makes for very extended hours.

Mr. Chairman: There does not seem to be a consensus. It does not seem to me we want to make a resolution. We will just pass this and probably table it, but the answer to it seems to be that there is no consensus nor is there any feeling by the committee that it should be changed.

Mr. Watson: Who is trying to change it? May I ask?

Mr. Chairman: It was a request from the Clerk of the House.

Clerk of the Committee: It was a suggestion by Mr. Lewis that you might want to extend the hours during which members can submit these notices.

Mr. Watson: But he must have a reason.

Mr. Breaugh: He obviously has people coming in at 5:30 and eight o'clock at night wanting to put a notice in.

Mr. Robinson: Why don't we defer it until we are once again into the matter of reviewing the entire content of standing orders?

Mr. Chairman: And also until we have some idea from the Clerk as to why there is some urgency for this.

Mr. Robinson: I was just going to say have the committee find out what the background is to it.

Mr. G. W. Taylor: Also the other feature I was going to mention is that if you put these notices in up to 10:30 at night, what does it do to our printing staff? I do not know what hours they would then be required to work.

Clerk of the Committee: The Order Paper is not sent to the printers until the House adjourns, so it would be going at the same time.

Mr. G. W. Taylor: That answers that question but it still does not appear to be a civilized, reasonable hour. There could be a very crucial situation.

Mr. Chairman: The conclusion is that we consider it later, particularly in the event that we have more information or evidence that the change is required for the expeditious and smooth operation of the House.

The next item is number six, privilege proposals re standing order 18.

Mr. Breaugh: I want to speak on this item. I do not agree with this one either. I understand the practice in other places is one of providing written notice and all of that.

Mr. Rotenberg: Could we leave this over for a future meeting?

Mr. Breaugh: If you want to.

Mr. Rotenberg: I do mind talking about it but I would not want to vote on this today, and as I am not prepared to, I wondered if you might leave it over.

Mr. Chairman: You mean you have not read the memo?

Mr. Rotenberg: I have read it, but I am not prepared to vote. I think this is a matter, like the other one, on which there should be some caucus discussion.

Mr. Breaugh: Except that maybe we could give some directions.

Mr. Rotenberg: I am prepared to discuss this, but I am not prepared to vote.

Mr. Chairman: But I do not see any reason that it cannot be discussed for a few minutes.

Mr. Rotenberg: That is fine.

Mr. Breaugh: Again, my only objection to this is that I do not think it is reasonable, given the kind of resources members have here, to expect them to sit down and write out an hour before they raise it in the House what they think their point of privilege is.

There are some practical ramifications in that you may not be able to do that in any event. I know that in other places where they want you to write this stuff out and hand it downstairs to the Speaker, you have the resources to do that. I just do not think that more paperwork is going to help very much. I do not see that as a problem with privilege. We have discussed on other occasions that it might be more usefully done at the end of the question period than at the beginning, but I think we have covered the waterfront on that, and I do not agree with that recommendation either.

Mr. Chairman: You are talking about--

Mr. Breaugh: There is a requirement here that you write out your privilege point and that you do that an hour before the opening of the sitting.

On many days I am not here an hour before the House opens, so I would be caught in a double bind there, namely, that there is requirement on me to do it at the first opportunity and, secondly, I might not be able to fulfil the requirement of the standing order simply because I am not here an hour before the House opens. It has some impractical connotations for me, but more than that, I am going to resist like mad any attempt to move the practices here closer to what they are in Westminster, where really a member cannot turn around or do anything without first visiting the office of the Clerk of the House and getting everything vetted. I do not like that practice there and I would not like to see it here.

Mr. G. W. Taylor: Mr. Chairman, I might ask the other members this. We have the present rule 18(a) and (b), which is set out on the third piece of paper of this memorandum; then we have the "proposed for discussion purposes," which is a very lengthy privilege section. Before we get into really discussing this very lengthy proposal which would produce, I suspect, an enormous amount of discussion, how is the present section not serving our purposes? I would rather get down to precisely that before we moved on to try to elaborate on it with this very long, wordy and convoluted procedure that is set out for discussion purposes.

For one thing, we might get ourselves into greater difficulty proposing that than just leaving the present one as it is, or making some few amendments or changes to that.

Mr. Rotenberg: The problem is, and I think Mr. Taylor has put his finger on it, that a lot of time is taken up in or before question period on matters of privilege. That is why someone suggested that certain matters of privilege be deferred until after routine proceedings.

The root of the problem, in my opinion, is that too many people stand up on points of privilege which are not points of privilege. My feeling is that the way to cure the problem is not to change the rules, but for everyone to try to assume upon themselves the discipline of confining points of privilege to true points of privilege.

That would solve the problem. I agree with Mr. Breaugh that having to put something in writing ahead of time on a point of privilege is something I would be averse to as well. The point really is to say that points of privilege arising out of what is happening right at the moment can be raised at the moment. Points of privilege that arise out of yesterday's Globe and Mail or something else should wait till after routine proceedings. There is no reason why a person has to get up at the beginning of question period. They can get up at the end of question period.

The purpose of changing the rule here is to try to stop, in effect, the derailing of question period for phoney points of privilege. My preference would be for all members to talk to their caucuses and say, "Before we change the rules of privilege, is everybody prepared to try to follow the present rules and not raise phoney points of privilege?" You could never correct it totally, but if we could correct a lot of that we would not need to change the rules.

11:30 a.m.

Mr. G. W. Taylor: I really do not find it wrong, if they are phoney, pseudo, or inaccurate points of privilege, if somebody gets up in the House and makes the point. Sometimes we cannot get in what we want to say, either as government or as opposition members, about something that is irritating us, and even if it takes a second or two out of the time of the question period or of the Legislature, I don't find that a problem.

Some of those things are legitimately raised and brought to the attention of the House, be it a point of order, a point of opinion or correcting the record or a privilege, at the most opportune time, which is sometimes at question period or during that time frame. I find it not at all wrong nor a breach of what we are doing as we are carrying out our functions, when somebody gets up and then the Speaker says, "That is not a point of privilege."

For most members you have satisfied what you really intended to do, and if it happens to be a point of privilege, you also have got that across. If the Speaker interprets it after you have made your point, and sometimes there is not a lot of time to make your point, I do not find the rule to be breached that much.

I should hate to get into a very exacting procedure like this so that somebody who has, as David described it, a phoney point of privilege is totally excluded because it has to be written out, vetted by the Clerk.

Mr. Rotenberg: I never said that. I am just saying there should be self-discipline, imposed by the members themselves, not to bring up phoney points of privilege.

Mr. G. W. Taylor: I recognize the self-discipline, but there are times when you can become so overdisciplined by the rules that something of great importance to that individual member, although it may not be to the House, results in losing two seconds of question period or five minutes or whatever it is. That is not so horrendous that it would destroy the rules and lose the opportunity of getting it on the record, so-called, or out in the open, not in the middle of the 8 p.m. to 10:30 period when you would stand up and interrupt some legislative procedure. This is not so horrendous a task as to just leave it the way it is presently.

Mr. Chairman: One of the main reasons for bringing this item before us was the fact that there are too many points of privilege raised during question period and they are rarely legitimate points of privilege. So how do you improve that?

A point of order has to be raised at any time because it is usually arising out of the debate or the comments or question, but in order to improve question period from the point of view of numerous points of privilege, why do we not have them some time before the orders of the day or before question period?

I agree with the submission that it is just not practical to have written notice. I do not see anything the matter; I could see the words in the section to state something like, "and, where practical, written notice." If something was in yesterday's or this morning's Globe and Mail, getting written notice to the Speaker before one o'clock or something like that is not probably that difficult.

Mr. Rotenberg: Mr. Chairman, may I make this suggestion? You have made a point and I have made a point, and some seem to agree that there are a lot of points of privilege which are not really points of privilege which are taking up the time of the House.

Mr. Taylor makes the point, and it may be somewhat valid, that that is the only opportunity for private members to get something off their chest where they fear their privilege has been abused even though it has not.

Mr. Chairman: What do you mean by the only time? What, during question period?

Mr. Rotenberg: At the first opportunity when they come into the House if they feel they have been really hit upon.

Mr. Chairman, I am somewhat pleased with this committee because most of the time we operate pretty nonpartisanly, most of the time we try to get consensus and try to make the House work better from the point of view of procedure without being partisan. The politics of the House are something else again. Certainly we are not going to be able to solve this problem. Why do not we, as a committee, have one or two designated members from each party monitor points of privilege over the next couple of weeks? Let us see whether I am right. Maybe we could even have the Clerk it or the Speaker do it.

Mr. Chairman: He is there every day with a black gown on.

Mr. Rotenberg: I know. Mr. Taylor makes the point that it is not really being abused that much and that maybe we are overly sensitive to the abuse. Why do we not, as members, on our own or a few of us, try to keep score over the next couple of weeks? Then next time we come back to this, we can say, "There were 18 points of privilege this week and 17 were phoney," or "There were 18 points of privilege and 17 were legitimate and we do not have to change the rules."

Mr. Mancini: Who decides whether it is phoney?

Mr. Mancini: Who decides whether it was phoney?

Mr. Rotenberg: The Speaker makes the decision but we know among ourselves. Let's take our partisan hats off for a minute; we know among ourselves. If we sat down, forgetting who raised the point, if we closed the door and became nonpartisan, I think we would all agree on 99 per cent of the points of privilege raised whether they were legitimate or phoney. I really think we would.

Mr. Mancini: I do not agree with that.

Mr. Rotenberg: I think it is worth it to try to get together and see if there really is the problem we say there is.

Mr. Breaugh: I think it would be a useful exercise to have Smirle and John run a little survey on it for the next little while so that we could look at it. I want to point out that part of what Mr. Taylor says is absolutely right.

Mr. Chairman: It is just a matter of checking Hansard.

Mr. Breaugh: For example, the other day I raised the matter of Malcolm Rowan speaking about a report which he had helped to put together prior to the report's being tabled in the House. I did not raise the matter to get him fired or for any punitive action whatsoever, but as a means of raising an objection.

In other jurisdictions, for example, at Westminster, if the clerk of a committee made a comment on a committee report that was not being tabled, or if one of the members did, or anyone who participated in that process acknowledged that such a report said this, this and this, or went in such a direction, they would consider that to be a real breach of privilege. For instance, if I did it as a member, if I talked about a committee report, the one, say, we did this morning, to the press or to my caucus or in any public way prior to that report's being tabled in the House, that would be considered a gross breach and they would talk about disciplinary action.

I do not really want that. I simply want to point out that I do not think it is proper for somebody who used to be a deputy minister and continues to be a senior person in a government agency to be granting interviews, however vague they might have been, about a report I have not seen and which has not been tabled in the House. I am simply asking that they clean up the procedures a little. I am not head-hunting and it is not a big deal, but I think it is a matter that should be pointed out.

I had the opportunity to point it out; the Speaker responded to it. I am not asking that he uphold my privileges in a dramatic way, but it gives me a chance to vent that opinion, to make the point. Then the next trip around the block, maybe the government, or whoever is putting together these reports, will remind their people that not to talk about these things until they are tabled them in the House. It seems to me that is quite a reasonable way to proceed. Whether it is a correct point of privilege or point of order or not is a little irrelevant.

Mr. G. W. Taylor: As he says, it is a correct point, one of requesting the minister to inform the civil servant. We all know--probably he has been working with this document for some considerable time; it has been on his desk--that Mr. Rowan has not followed the precise proceedings in the House to get it legitimately before us. It is a matter of bringing it to the attention of that minister and that deputy minister and saying, "Would you kindly, before we get a look at something, not have your people speaking to it on the street?"

That is natural even for us back-benchers. Ministers are dropping things on the table before we even get them in our office. We have made the point numerous times that they go from the ministers to the House leaders, the critics and members. We go to our mail boxes two days later and we get a document, usually of some great importance. In the meantime we have been pressured by the news media in our own local area to answer on these things. It is really just a matter of courtesy and communication. You are trying to inform the House that the proper procedure is not taking place.

You would not want that opportunity taken away and have it said, "That is not a question of privilege. Would you raise that at some other time." At 10:29 at night, when nobody is in the House, it is not going to be a very effective slap on the wrist when you remind the ministers that they are not following the proper procedure. It is a matter of communication. They are working a busy agenda, which we recognize, but we are all part of the communication process around here. I think Mr. Breaugh has expressed it adequately; it is just a matter of courtesy, and there is no other opportunity to raise the matter.

If they keep track of it in question period and it is found that these questions of privilege detract from the time allotted for questions, the Clerk can instruct the Speaker to add that time on--only points of order are included, so the time for those is taken off--and if he makes the decision that it is not a point of privilege, the time is put back in. It is not a horrendous task. One just does not want to lose that opportunity.

11:40 a.m.

Mr. Rotenberg: I think the bottom line, from my point of view, is that I want to have the rules for privilege as short as possible. I do not want to take away from the members of this House the right at any time, when they feel they have a legitimate point of privilege, to stand up and raise it. That takes precedence in the House over anything else if it is a legitimate point of privilege.

Mr. Mancini: The Speaker decides if it is a legitimate point of privilege.

Mr. Rotenberg: Of course the Speaker decides if it is a legitimate point of privilege. The rules are always going to be somewhat abused; that is the nature of our business and we have to accept that. As long as the abuse of the role is tolerable, I

would not want to change our standing orders. As I said before, let us at least find out for ourselves, because everybody has different ideas, if the abuse of the rules is at a level that is low enough to be tolerable.

That is why I think we should have a little bit of monitoring of what points of privilege are coming up. Unless it can be demonstrated that there really is an abuse of privilege, and there is from time to time, but if it is at a tolerable level and not too serious, I would be in favour of just leaving it alone.

Mr. Taylor and Mr. Breaugh made the point that there are certain things which a member feels strongly about and the only way he can raise it is under a point of privilege, and the only time it is raised that has any effect is when everybody is there, which is the beginning of question period. If you wait until after question period, the place empties out and there are 14 members there and no ministers and no press.

Let's face it. It is not just to get your name in the paper. Part of raising a point of privilege when the press is all there is that you want that point to be made publicly because you feel legitimately--not just politically, but legitimately--that something is wrong and you want the public to know that something is wrong. You are protesting that wrong. That is the right of a member and I am not going to take that away from any member as long as, collectively, we do not abuse it.

Mr. Chairman: You have mentioned that it should be at the beginning of question period.

Mr. Rotenberg: I didn't say that. I said a member has the right to stand up on a point of privilege at any time, and I am not going to take that right away from him unless somebody can demonstrate to me why he cannot rise on a point of privilege at any time.

If it can be demonstrated that there are a lot of things which are routine stuff and do not require a point of privilege, if it is being abused for certain things such as correcting the record and so on, those things should be left for another time rather than abuse the privilege. But someone has to demonstrate to me that, by leaving privilege wide open, we are harming the business of the House. If that can be demonstrated to me, I am prepared to put some restrictions on when certain things can be raised, but first it has to be demonstrated to me that the House is suffering because too many improper, illegitimate or wrong points of privilege are being raised at a time when other business should be going on.

Mr. Chairman: Why do we not then, as has been suggested, for the remainder of this session before we adjourn some time in December, monitor the whole question of points of privilege raised in the House to ascertain whether or not that privilege is being abused?

Mr. Rotenberg: Why do we not do it, say, for four weeks so we will have time to meet in December for a bit of discussion a couple of weeks before the end of the session?

Mr. Chairman: All right, during the next four weeks.

Mr. Rotenberg: As well as its being officially monitored by our staff, I think all of us should do some unofficial monitoring just on our own.

Mr. Breaugh: I think we will come to a consensus.

Mr. Chairman: We will expect a report from Mr. Forsyth by early December.

Mr. Breaugh: On the final item, the introduction of visitors in the gallery, a comment has been put together. It strikes me there ought to be strict consensus on that.

Mr. Chairman: That is the next item, introduction of visitors to the gallery.

Mr. Breaugh: We had the old Camp commission, then the Morrow commission and then we did it too, and it seems to me there is consensus on this that we should ask the Speaker to follow that practice.

Mr. Chairman: Why is "sic" after the words "page 74"? It is page 79. Why don't we put the correct page number? Is the committee in favour of the recommendation? Who said no?

Mr. Edighoffer: I am in agreement with it because from 1977 to 1981, we tried our darnedest to accomplish that any introductions came from the Speaker and it seemed to me it worked quite well. Mind you, I remember Dennis Timbrell was sometimes a little hard to handle. During his speeches he introduces friends in the gallery.

Mr. Breaugh: Let the Speaker decide.

Mr. Mancini: On that point, I believe all this came to a head when the former member for Brantford, Mr. Makarchuk, invited some members from the Soviet politburo to the gallery and, if memory serves me correctly, the Speaker introduced those individuals. That gave the appearance that they had been invited by the Legislative Assembly. I think that is when this particular furore started. Under those conditions I am not willing to allow the Speaker to introduce guests in the gallery, who have been invited by a particular member whom I find to be highly offensive.

Mr. Chairman: What, the particular member or the guests?

Mr. Mancini: The guests. I do not find any member of the House to be offensive, Mr. Chairman. I am talking about the guests.

Mr. Chairman: All right. You mean like if the Ayatollah came in?

Mr. Mancini: If the Ayatollah came in, I do not want the Speaker to rise and say that he is a guest of the assembly. He may be a guest of a member.

Mr. Epp: He could say he was a guest of the member, couldn't he?

Mr. Breaugh: On that particular occasion perhaps the Speaker did not make it clear enough, but I did not hear him say anything about who had invited them or that these people were here as guests of the Legislative Assembly or the government of Ontario. I thought he tried to steer a course around that. Maybe he was not successful.

Mr. Chairman: Or he could say, "I would like to acknowledge the presence of..."

Mr. Breaugh: Yes. An attempt was made by the Speaker of the day to introduce some people who were here from another jurisdiction. You may not like the jurisdiction, but we could all get into arguments about whether I would like the Speaker to introduce Peter Lougheed or the governor of Alabama or somebody from--

Mr. Mancini: There is a bit of a difference between Peter Lougheed and the Soviet politburo.

Mr. Breaugh: I am acknowledging that there is a considerable difference in a number of jurisdictions about who might appear in the gallery, but I think it is reasonable to let the Speaker do the introductions and make whatever he thinks is the proper acknowledgement of who is up there.

We have in the Camp and Morrow reports little recommendations about just who should be introduced. It seems to me somebody has to sort that out and the logical person is the Speaker. All I am concerned about is that if the Minister of Health introduces his brother from Kapuskasing, then why don't I introduce my brother from Ottawa and why doesn't everybody else do it? You can't really go that route.

Mr. Mancini: I come from a big family and have a lot of brothers.

Mr. Breaugh: I object to most of them being introduced. Your family has done enough damage to this Legislature.

Mr. Mancini: I raised this comment, Mr. Chairman. I ask the member to withdraw his remarks.

Mr. Breaugh: I would be happy to.

Mr. Mancini: Thank you.

Mr. Chairman: How about the former president and supreme excellency of the Republic of Uganda?

Interjections.

Mr. Chairman: Are you in favour of this recommendation with those reservations? The recommendation is agreed to.

Clerk of the Committee: Just to have this sent to the Speaker.

Mr. Chairman: Just to have this sent to the Speaker, yes. Remember, there are occasions when we use the words "acknowledge the presence of." Any other business? Thank you, gentlemen. We will adjourn until two weeks from today.

The committee adjourned at 11:51 a.m.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

GENERAL BUSINESS

THURSDAY, NOVEMBER 19, 1981



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breagh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edighoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Taylor, G. W. (Simcoe Centre PC)
Watson, A. N. (Chatham-Kent PC)

Also taking part:

Conway, S. G. (Renfrew North L)

Clerk: Forsyth, S.

Research Officer: Eichmanis, J.

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, November 19, 1981

The committee met at 10:14 a.m. in room No. 228.

GENERAL BUSINESS
(continued)

Mr. Chairman: Gentlemen, I see a quorum. As a matter of fact I should compliment you for all being on time this morning.

Mr. Robinson: I have a point of order, Mr. Chairman. May I ask you to check the count of the members of the official opposition before we go further?

Mr. Chairman: There are four members of the official opposition. I think they are allowed to have four. Are there some official substitutions, gentlemen, among you?

Mr. Epp: We are all gentlemen.

Mr. Chairman: Have you filed a report with the commission on election expenses?

Mr. Epp: I have.

Mr. Chairman: Can you prove you are a bona fide member of the provincial Legislature?

Mr. Breaugh: They have passed everything but the saliva test.

Mr. Chairman: There are no substitutions then. There are three official members and I see a stranger, but I am sure he will identify himself a little later.

Mr. Robinson: Mr. Conway is just dropping in. Is he here to try and learn something?

Mr. Chairman: As I was saying before I was interrupted, gentlemen, the first item is in respect to the standing order 27(b), order of oral questions. This was discussed, as you know, a few weeks ago and Mr. Mancini was to discuss it with his caucus. He had submitted a motion. I assume, Mr. Mancini, you have a report this morning.

Mr. Mancini: Yes, Mr. Chairman. As you know, we have been discussing this matter concerning not only the order of oral questions but the number of questions related to any particular party, given the number of seats or representation that each party has in the House. We placed a motion about two committee hearings ago and there was quite extensive discussion. It was decided at that time that we take this matter back to our caucuses. That has been done and I have a new motion to place before the committee.

I have a copy of the motion, Mr. Chairman. I will be glad to give it to the clerk as soon as I am finished. He can make some photocopies of it for the rest of the committee.

Mr. Chairman: Mr. Mancini moves that the order of oral questions shall start with two questions from the Leader of the Opposition followed by two questions each from the leader or leaders of other opposition parties in order of their membership in the House. All members shall then participate in questioning, starting with the official opposition.

You have changed one word in that first section.

Mr. Mancini: Yes. We have substituted "participate" for "rotation."

Mr. Chairman: You have got a lot of clout in that caucus, Remo.

Mr. Mancini: As was explained in earlier meetings, we feel the size of the membership of each political party in the House should be taken into consideration by the Speaker when he is calling for questions. This is a practice which is carried out in the House of Commons and in other legislatures of Canada.

We feel that since the official opposition is at least one third larger than the third party at this particular time, this motion is necessary in order to have the standing orders changed. It is necessary that the party that has been able to receive the support of the people to the point of having 34 seats in the house, should be able to represent those people effectively.

I do not believe I have anything more to add. We had full discussion on this matter a couple of committee meetings ago and maybe one meeting before that, Mr. Chairman, so I will table the motion with the clerk.

Mr. Chairman: You are withdrawing your other motion?

Mr. Mancini: Yes, I am, Mr. Chairman.

Mr. Robinson: I have a question, Mr. Chairman, through you to Mr. Mancini.

When this motion was before us the last time, there was a much greater level of interest among members of this committee, both in the official opposition and in the third party, respecting the heavy time utilization by the leaders of the two opposition parties by permitting them two questions each. Do I take it that you were unsuccessful in having your leader--who I understand may bring his flying circus in here shortly--reduce his question allocation to one, so that the time might be more generally shared by other members?

Mr. Mancini: No, Mr. Chairman. That is not the reason at all. I can understand why the member would speculate in that fashion, but it was the general opinion of the caucus that the procedure for two questions for each leader of the opposition is

about what is necessary for them to make any kind of significant impact.

As members are aware, it is the leaders of the parties and, by and large, the cabinet ministers, who control the attention of the media. It is vitally important not only for cabinet ministers but for leaders of the opposition to be able to put forward sufficient questions to be able to do a good job in the House. That, basically, is the reason for that. There is no secret reason; it is all quite straightforward.

Mr. Robinson: I am afraid I do not have the benefit of the printed motion. I was taking notes. Do I understand you to say then that rather than dealing with the matter as it is in the standing orders now, that in order of the membership in the House, there will be rotation in the questioning, you are substituting the word, "participate" for "rotation"?

Are you suggesting that the Speaker take the onus upon himself to determine by way of quantity that, although the leaders have an equal amount of time, you then want it weighted in favour of the official opposition beyond that point? Is that correct?

Mr. Mancini: No, Mr. Chairman. I want to have the House recognize the difference between the numbers that each political party has in the House. This is already done in the House of Commons and in other legislatures. There is nothing devious behind this motion. It is absolutely necessary, in my view, that a party with one third more representation in the House be acknowledged.

10:20 a.m.

We wish to leave this up to the chief presiding officer in the House, the Speaker, to use his good judgement in deciding how many questions more one party should receive than the other.

Mr. Robinson: Why are you saying the leaders should be equal, then? You are saying the common members should not be equal and they should be stacked in favour of the opposition, and that the Speaker should use his good judgement. Yet you remain strident on the matter of leaders having two questions each.

Mr. Mancini: Mr. Robinson, I have never been strident in my life.

Mr. Rotenberg: That is true.

Mr. Robinson: But seriously, how do you address that?

Mr. Mancini: It is a procedure that we have followed in the House and we did not in any way want to reduce the opportunity for the leader of the third party to have his two questions. We felt that was absolutely necessary for him. We did not want to go two questions for the Leader of the Opposition and possibly one on some days for the leader of the third party and two on other days. We did not want to go that route. We felt that two questions was very fair.

Mr. Breaugh: We had quite a lengthy argument over the previous motion. I regret a little bit, having invited a motion and having had a long-standing debate, that Mr. Mancini withdrew that motion and substituted another one.

I sensed that there was a consensus forming in the committee around the idea that we were prepared at least to go back to our caucuses and talk about the leaders dominating the question period too much, and whether perhaps we ought to ask them to pick their one issue of the day, do that in one question and give other members an opportunity to have a little more time in question period.

I would still be prepared to do that. I have not sensed in this committee any rationale for changing the matter of rotation. I do not sense that there has been a good argument built. I understand the politics of it, and that does not shock me or anything, but I do not see any sense, from a procedural point of view, of moving off the present standing order.

If this is the motion that Mr. Mancini wants to present, I cannot support it. I thought there was some consensus building around the one question per leader, but he does not seem to want to do that. So, failing that, I think we just leave the standing orders exactly as they are.

Mr. Rotenberg: Mr. Chairman, there really are two points in the motion. One is whether the leaders have one question or two questions, and the other is whether we have mandatory rotation or discretionary rotation.

As I said in this committee before, oral question period technically belongs to all private members. Question period is really opposition time in the House. I don't think it would be proper for the government majority to impose its will on what really is opposition time.

If the two opposition parties came to some agreement on either or both of those two items, I would be more than happy to give my support, and I think all our government members would. Failing agreement by the two opposition parties, I feel it is incumbent upon us to leave the standing orders the way they are.

My personal preference, sitting and listening to the question period and thinking of the rights of opposition members, would be to cut the two questions down to one question. But again, the question time is opposition time and if the official opposition feel they want two questions, I am not prepared to take that away from them, even if the third party was willing to do so. Certainly if one party had two questions, the other should have two questions. I cannot see changing that, even though I have sympathy for it.

As far as the rotation is concerned, rotation is not just in question period. We have rotation in many parts of our Legislature, both in question period and in other parts. For instance, tonight we are going to have set aside the business and debate a no-confidence motion. It goes in rotation.

Mr. Epp: I hope you are going to vote for that, David.

Mr. Rotenberg: It goes in rotation, each party getting a certain amount of time. In that particular case, which really is not opposition time, if we adopted Mr. Mancini's principle that time should be allocated based on party standings and not on party-party-party equally, then I would suggest, with respect, that in tonight's debate we should get twice as many speakers as the Liberals and three times as many speakers as the New Democratic Party. So many other things that happen in the House are done on rotation.

Mr. Mancini: Excuse me, Mr. Rotenberg, I just want to make a comment. Mr. Chairman, how many voting Liberal members do we have on this committee?

Mr. Chairman: Three.

Mr. Mancini: How many voting New Democrats do we have on this committee?

Mr. Chairman: Two.

Mr. Mancini: Why is there a difference here then? Why is there a difference here in this committee? Why do you acknowledge the numbers in the House for this particular committee, but you do not acknowledge the number in the House for question period?

Mr. Rotenberg: I am wondering, is it part of our procedure, as in the American senate, that a member shall yield to questions in the middle of a speech? I do not mind the interruption--

Mr. Mancini: I am sorry. I was being strident.

Mr. Rotenberg: It is quite all right. But numbers are one thing. Even in the House it is that way. Even in committees most times we try and alternate between members. As I say, I do not feel that--really, the Liberals brought forward a motion, the New Democrats are against it and I do not think we, as government members, in what is really opposition time in the House question period, should interfere in the present standing orders to favour one party or the other.

Now, you are going to say if we vote against the motion we are favouring the New Democrats. That may be so, but those are the standing orders this House lived with when the Liberals had more members and when the New Democrats had more members, from time to time. Frankly, Mr. Chairman, I cannot see us or myself, as a government member, voting for a motion which changes the standing orders on what is really opposition time and taking sides between the two opposition parties. Therefore I am going to vote against the motion.

Mr. Chairman: It is a simple question I have. I do not know how the word "participate" in place of "rotate" is going to give one caucus more questioning time over another caucus. "Participate" does not direct the Speaker to do a thing. Rather

than possibly do as he has done in the past in rotating between members, the word "participate" probably makes it possible for him to recognize anybody at any time after the two leaders are through.

Is that not right? Anybody at any time. You are not assured by having the word "participate" that you will achieve what you want or achieve the intent of this motion. Mr. Robinson?

Mr. Robinson: Mr. Chairman, I will make my comments very brief. I am frankly a little bit embarrassed for Mr. Mancini this morning. He came before us the last time with a very good resolution, a good motion, a motion that reflected generally the impetus of this committee to try to broaden the scope of question period to take it away from the leaders, who seem to be monopolizing it day in and day out. It also addressed itself, though briefly and again vaguely, to recognizing a difference in numbers within the House itself.

But what he has brought before us today, Mr. Chairman, and I look at the way it has even been prepared, the word one has been scratched out, the number two has been written in on two occasions. I am afraid it is a rather feeble, watered-down kind of face-saving effort and I can only believe that he brought it before us today because he could not receive the support of his caucus and his leader for the original motion itself.

I share your comments as well that by changing the word "rotate" to "participate" there is nothing in there that directs how the Speaker should operate and I think that the last thing that any party in this Legislature wants to do at the moment is to try to throw some other new nebulous rule in the standing orders which may then cause the Speaker to come under further attack for his own interpretation of the rule.

I am afraid, Mr. Chairman, that as much as I would have enjoyed supporting Mr. Mancini's original motion, that I, like my colleague, Mr. Rotenberg, will not be able to support this effort today.

Mr. Epp: Mr. Chairman, I just want to add that one of the things that Mr. Rotenberg has said is that we have rotation in other instances in the House and therefore all parties can participate equally at those times. I presume he is referring primarily to second reading, but of course he did not specify and it applies to other areas. As Mr. Mancini pointed out, there are three members here from the official opposition and only two from the New Democratic Party and the government, which has a majority in the House, has a majority of members here and so they can override whatever they want to.

Now when you take those two things into consideration, first of all, if you are going to have some kind of representation for question period during that one hour, then you should give the official opposition a greater opportunity than you give to the third party. Of course, that still holds true for the government members who could ask questions. As you know, and as other members know and as Mr. Breaugh has mentioned at this committee, at

Westminster and so forth the government members from time to time participate quite actively.

When you are trying to build a parallel between the rotation in the House during second reading of bills and other times and people participating in that, you have to keep in mind that there is not closure invoked in those debates, with one exception in the last 107 years or so. When you have your question period it is one hour. Now that does not afford the official opposition the same amount of time proportionately as it affords the third party.

That is what we are saying. We are saying that, to be fair, the official opposition should have a greater opportunity to participate during that one hour than does the third party. By opening up this resolution a little by taking out the word "rotation," that does give the discretionary power to the Speaker during that one-hour period. It is not for an unlimited amount of time, as the other debates are. If we do not finish with a bill one evening, as Mr. Rotenberg knows we can go on the next day and continue, so everybody has an opportunity to participate.

10:30 a.m.

That is not the case with question period. You have one hour. It does not go beyond that unless it goes beyond that for a few seconds. It is not an hour and five minutes or an hour and 50 minutes. It is 60 minutes and that is it.

It is to the principle of fairness that we are addressing ourselves here and we expect that the Speaker would exercise that fairness in giving some-- During that hour he would have the discretionary power to give a few more questions to the official opposition if he chose to. If he did not choose to, that is another thing.

But you cannot parallel that with other situations in the House where anybody can speak if they wish, unless closure is brought in. That has been my experience. If the official opposition wants to field 34 speakers, they can. If the New Democratic Party during second reading wants to field 21 speakers, they can, but they cannot field 23 speakers during second reading of a bill. They cannot do it.

Mr. Chairman: Herb, seriously, do you feel that there has been any injustice in the House as long as you have been here as far as favouritism for one caucus or one party over another in question period through the so-called rotation method is concerned? Has there really been any situation where two members of your caucus, for example, wanted to ask a question prior to an NDP member asking a question and that second person in your caucus was somehow disadvantaged or cut off or not given an opportunity? Has that really happened in practise?

Mr. Epp: What you have to look at is that we have essentially the same amount of time for 34 members to ask questions as the NDP has for 21 members.

Mr. Chairman: Remember that the government members rarely exercise their right under this particular rule.

Mr. Epp: That does not deny them the right.

Mr. Chairman: No, but therefore the two opposition parties have that extra time.

Mr. Epp: They have that extra time, but that time, if the government members do not utilize it, should go proportionately to the various opposition parties, and that is not the case, Mr. Chairman. That is all I am saying.

If you want to establish a principle of fairness and give everyone an opportunity proportionately to ask questions, then you should adopt this amendment. If, on the other hand, you do not want to go for the principle of fairness, then you keep things the way they are.

When the parties were essentially the same in number, Mr. Chairman--and that is when this developed, when the NDP had 38, the Liberals had 37, 36 whatever the case, and when it was 34 and 33 during the 1977-1981 period--they were essentially the same and nobody argued about the way it was at that time. When the leader of the official opposition, at that time Mr. Lewis from 1975 to 1977, had the first two questions, and later on when Dr. Smith had the first two questions from 1977 to 1981, nobody argued about that because that was established. What we are saying is that the difference now between 34 members and 21 is substantial enough to change the orders to give a greater weighting to the official opposition than the third party.

Mr. Chairman: Thank you. Any other comments?

Mr. Robinson: I would think that if the members of the opposition were sincere--and I do not doubt that they are particularly--that they would have recommended a formula today for debate before this committee which would have addressed itself to weighted participation. If they are prepared to bring that in I am sure this committee is prepared to look at it, but I find it most discouraging to try to leave it to the discretion of the Speaker.

I can just imagine, Mr. Chairman, the first time that the official opposition does not like the interpretation of the Speaker, as it relates to who gets more time or does not get enough time, that we will have another big debate. So as far as I am concerned, until they are prepared to bring in an exact formula that the caucuses have agreed on that we can debate, I do not think we can take any further action on it at this time.

Mr. Mancini: You are forgetting (inaudible) the Speaker.

Mr. Robinson: I am not forgetting a thing, Mr. Mancini.

Mr. G. W. Taylor: Very briefly, I (inaudible) some of the comments already made. The motion previously had the two and the one. We have changed that. We have inserted primarily "participate" for "rotation." This again, as has been said, puts a

greater burden on the Speaker which should not be there. Indeed, if I heard any member comment on even the time allotment in the House as to question time that his leader and the other leaders have taken in question period, it is the person who is proposing this motion.

I can fully visualize in the future, should the same participation cause some complication for the Speaker as to how many seconds have been allowed for the different parties and the different participants, that individual member would be the first one to condemn the Speaker--

Mr. Mancini: I never condemned the Speaker.

Mr. G. W. Taylor: --or whoever happens to be in the chair at that time, as to not allowing for participation in a proportioned ratio as we have got here. I think it just presents another difficulty.

The rotation method, I think, has worked well. Indeed, speaking as a government member, at least you know where you can be on the order of questions when it is moving around the House. If you are talking about proportional time, if you discount the cabinet ministers, the government members have 44 back-benchers, compared to 34 and 21 members, so how are you going to, again, apportion the time if the government members all want to get in on that participation in some form of allotment of time?

So I also cannot support the motion and it does not have any great weight in this committee.

Mr. Chairman: Mr. Mancini, do you have further comment?

Mr. Mancini: If no one else is going to comment, I would just like to say that in my view we have a majority government in this Legislature and they are using their majority in order to deny the official opposition the right to be recognized by the numbers that they have elected in the House. In the House of Commons the size of the--

Interjections.

Mr. Chairman: Order. Let him read it.

Mr. Mancini: I am not reading anything. In the House of Commons the sizes of the parties are recognized by the Speaker and there does not seem to be any particular problem there.

You may recall at the last meeting when this was discussed I mentioned three or four other Legislatures in Canada that did recognize the numbers and did give some weight to the fact when the Speaker was divvying up the time for question period.

Mr. Chairman: Willy Brown does that in California, I think, does he not?

Mr. Mancini: Yes. It is my view--

Mr. Watson: If the federal system is so good, I do not see anything in this motion to cut the time limit to 45 minutes for question period.

Mr. Mancini: It is my view that the difference between the third party and the official opposition at this point in time is too great to allow even rotation in the House. We would like to give the authority or the discretion to the Speaker and allow him in his good judgement to make decisions during the question period which would allow the amount of questions allotted to the official opposition to reflect their numbers in the House.

It is totally unfair, in my view, to give the same status to a party that has 34 seats and similar status to a party that has 21 seats. It is completely unfair. This is another example of an arrogant majority government. They do not wish us to have our equal time in the House as is outlined by the numerical difference that I have brought to your attention.

Mr. Breaugh: GM calls this quality control.

Mr. Mancini: We really did not believe, after having witnessed the majority Conservative government recognize the third party as far as funding goes, we watched them recognize the third party to the tune of 30 seats instead of to the 21 seats that they were elected. We are further watching the Conservative government using their majority in order to--

Mr. Chairman: Are you speaking to the motion, Mr. Mancini?

Mr. Mancini: Yes, I am, Mr. Chairman. We are watching them use their majority in order to deny us the amount of time that we rightfully deserve in the question period. That does not surprise me at all.

Mr. Chairman: Any further comments on this motion? Do you want me to read the motion again?

Basically what it is is substituting the word "participate" for the word "rotate" in present order 27(b). You all have a copy of it before you. All in favour of Mr. Mancini's motion? Contrary?

Motion negatived.

10:40 a.m.

Mr. Chairman: The second item, referral of annual reports of the Commission on Election Contributions and Expenses and of the Civil Service Commission. Mr. Mancini, do you have a report on this item as well?

Mr. Mancini: Yes, I do, Mr. Chairman. As you are aware, on October 27, under standing order 33(b), 20 members of the Liberal caucus signed petitions to have the annual report of the Commission on Election Contributions and Expenses and the annual report of the Civil Service Commission to be referred to the standing committee on procedural affairs. I have before me just a

short statement in order to lay the ground rules, hopefully. A couple of the members asked me why we wanted this debated. Maybe this will explain it.

Pursuant to the petitions tabled in the Legislature on Tuesday, October 27, 1981, requesting the referral to the standing committee on procedural affairs of the annual report of the Civil Service Commission for the year ending March 31, 1981 and the annual report of the Commission on Election Contributions and Expenses for the year ending January 31, 1980, that the same annual reports be brought before this committee for consideration beginning Thursday, November 19, 1981 so that this committee may undertake a study of the following issues:

1. Election expenses and also contributions;
2. The conduct and activities of provincial civil servants during the course of a provincial election campaign; and
3. The dissemination of provincial government advertisements during the course of a provincial election campaign.

I do have copies of this short statement for all members of the committee. I will turn them over to the clerk.

Mr. Chairman: This is under rule 33(b) and (c), is it? I just have one question from your comment. Do we have anything in these annual reports about the involvement of provincial civil servants in an election campaign?

Mr. Mancini: That is a subject that we would like to bring up and this is a mechanism that would allow us to bring that particular subject up. As you know, that has been the procedure in many committees.

Mr. Chairman: It is just a matter of when the reports appear before us whether or not comments of that kind would be in order. That can be discussed when and if we refer the reports to this committee for consideration.

The only other comment I have to make is today is November 19 and I think it is only fair that this morning we should discuss whether or not the reports will be referred to this committee and then set a time for their consideration.

Mr. Mancini: Yes, I think that would be very fair.

Mr. Robinson: I was going to suggest, Mr. Chairman, that it would probably be well within the discretion of you and the clerk to establish a time convenient to the committee to discuss those reports, taking into consideration the rest of the matters before it, perhaps two or three weeks hence. I hope we could at least get started on them, out of respect to the opposition, prior to us proroguing in mid-December.

Mr. Chairman: Is there any reason, for example, that say two weeks from today, we cannot have these reports here, Mr. Clerk?

Clerk of the Committee: The reports can be nere next week if we want.

Mr. Breaugh: I have a couple of remarks, Mr. Chairman. At first glance, one of the things which I think does fall within the purview of the committee would be to do a review of the election expenses act itself and how it functions. It seems to me that aspect of it is well within the purview of the committee. We have had three general elections under the current legislation with minor changes.

It has been in existence for, I believe, going on seven years. It seems to me that is reasonable cause to do just a general review of the legislation, whether it is working well or not and what problems that people might have; and that also falls within the purview of review of agencies which we have done for many other agencies.

I can see some justification for putting that annual report before the committee and conducting a review of whether the current legislation and the agency which administers it is working well or not well or has some faults, or whether there ought to be changes in the legislation or the way in which the commission functions.

As an aside, I would support the notion that there are some problems with that legislation. As one who has gone through three of elections with it, I believe it is reasonable to say that in our area all of the political parties are having a little difficulty functioning under the current legislation. I am not speaking for or against any of the principles that are there, but the mechanics are a bit onerous for us. So there is that aspect to it. On the first referral, it would seem to me that there are grounds there for a procedural committee to do that examination.

Where I have a little bit of trouble is in the second and third points which are made by Mr. Mancini. I would think that if, for example, someone was making the case that a specific individual had violated somebody's privileges, violated a piece of legislation, in some way was guilty of misconduct, we have on other occasions as a procedural committee heard that evidence and made a decision. I don't see that, though. Frankly I have a concern that I have witnessed here this morning something I have not seen before in this committee.

In the life of the committee, we have always made an attempt, most of the time successfully, to have this little procedural committee nonpartisan in nature. By and large, you put your hats that say you belong to a political party outside the door; you came in here and tried to review agencies and rewrite rules in a nonpartisan way.

In a weird sense, I, of all people, always enjoyed that. There are lots of places here where I can go and be wildly partisan and love it. But there was also this little committee where I could come in and sit down as an ordinary member of the Legislature and in a nonpartisan way deal with matters that were put before the committee. It is with a little bit of reluctance

that I even say that this morning I felt we had got back into partisan politics in an unfortunate way.

I would remind you that we have heard, for example, Jack Riddell's case of privilege which was pretty sensitive and a little dicey in spots and very controversial. I thought the committee did a hell of a job, frankly, in attempting to deal with that whole matter which was pretty sensitive and controversial, in a way which was pretty nonpartisan. I was not terribly enthralled with our final result of that, but I think that people did make the effort.

The one concern I have about the other two aspects of these referrals is that I sense there is a fishing expedition under way. I am not against fishing expeditions or partisan activities or controversial matters, but if you want to do that, I would beg that it be done in some other forum; stick it somewhere else, do an emergency resolution, take it to another committee; just keep it to hell out of here.

I am making a pitch then to preserve the nonpartisan nature of the committee. It obviously cannot be done unless everybody agrees to it. But I think it is unfortunate if we go the partisan route here. I am prepared to do that everywhere else around here, but I would like to retain this one little group of folks who can sit down and look at the rules, privileges and all that kind of stuff, without having party politics enter the picture. I am prepared to go to some other committee and do these things, but not here.

10:50 a.m.

When we do deal with the matters, I am making that split. I can conceive that the committee could go through the election expenses act and conduct a review of that and of the commission and make some recommendations, perhaps for changing the legislation slightly, perhaps for some alterations as to how the act actually functions. We could probably manage that. But I want to put a caution to you: I think that if we get into the other two referrals in the way that they have been put by Mr. Mancini this morning, I do not see a claim for privileges and I do not see a claim that something is procedurally incorrect and ought to be corrected.

If somebody wants to deal with those things, I would be quite happy to deal with them in another committee, before the House in some special committee which does it. But I would prefer that it not be done here.

Mr. Rotenberg: I find myself in the unusual but very happy position of agreeing with just about everything Mr. Breaugh has said.

Mr. Breaugh: Wait a minute.

Interjections.

Mr. Rotenberg: Seriously, in the time of the minority government as well as in this time, the procedural affairs committee was as Mr. Breaugh has described. I think Mr. Breaugh, Mr. Mancini and myself are the only ones here who were on this committee during the minority government. Even then, when Mr. Breaugh was chairman and the members of the opposition parties had a majority in this committee and we went through the standing orders and did quite a rewrite of them and many other things--ABC reviews--Mr. Breaugh is correct and I share his point of view, this committee was really as nonpartisan as any committee could get. I think it did an excellent job because of a spirit of co-operation.

What we tried to do in this committee was deal with procedures and nuts and bolts and how to run the House and how to run committees to be fair to everybody without trying to get into partisan issues and party philosophy, because when you deal with procedures and that sort of thing there really should not be party philosophy. If everyone tries to set a fair set of rules, we can get partisan as hell when we operate under those rules.

In this three-part motion, there is no question that these two reports are before us in accordance with the rules of the Legislature because any 20 members can refer any report to any committee they want. Whether or not that is a good rule is something we will discuss at some other stage.

The reports are before us. If this committee in its wisdom wishes to deal with the two agencies--the Commission on Election Contributions and Expenses and the Civil Service Commission--the way we deal with the agencies, boards and commissions, as we have been doing for three or four years, that is fine. We have a report that we will deal with shortly on a number of agencies, boards and commissions that we dealt with last summer. We have already set an agenda to deal with four other agencies over the winter break. Now if someone wants to put one of these in place of it or we want to deal with them next summer or whenever, I think that is quite in order, as Mr. Breaugh suggested.

If we review those two commissions the way we have done all the others, we would look at their overall picture, at their legislation, from the point of view of whether they operating in a manner which is conducive to having a good Legislature and operating in a manner which is doing the best job for the eight million people in Ontario whom we represent. I have no qualms whatsoever about review of one or both of these agencies in the proper time and the proper place.

But when we get to items two and three, that is something entirely separate. It may be within the purview of this committee in a slightly different way. If Mr. Mancini or any other members of the Legislature under item two has any specific--maybe "charges" is too strong a word--instances where they feel that a member of the civil service of Ontario has done something improper or something which has led to something improper, then maybe this committee is the proper place to deal with that. But I suggest that it is not proper to take a report and then, as Mr. Breaugh says, go on a fishing expedition.

Probably, the proper way to do it is to come to the House with a specific request or charge or point that should be investigated. If that is raised as a point of privilege, as a point by any member of the Legislature from either side of the House, saying, "A certain person has in my opinion done something contrary either to the act or to the spirit of the Public Service Act during an election campaign," that has to be investigated; and maybe this committee is the proper place to do this under the proper circumstances.

When you get to number two in this resolution, "the conduct and activities of provincial civil servants" without naming names or instances and so on, I know it was not done in that spirit but someone could take this and say it almost casts a shadow on the whole civil service. It is, as it were, saying: "We know we are going to get this report. We are going to go through the whole civil service. Go out and find out who did what to whom."

Mr. Chairman: You have got someone in mind?

Mr. Rotenberg: With respect, I have the floor. Could I finish?

Mr. Chairman: I am sorry. Carry on, Mr. Rotenberg.

Mr. Mancini: He asked me a question. I had a reply.

Mr. Rotenberg: Do you have somebody in mind?

Mr. Mancini: No. I was just going to say, Mr. Chairman, that it appears there is some consensus on the committee that they will accept my resolution as far as number 1 is concerned; and if we could deal with that and separate it, as Mr. Breaugh suggested, from items 2 and 3, I would suggest we could get half of the job done now and then carry on further debate concerning items 2 and 3, if the members of the committee would so wish. I think it would make the business more orderly.

Mr. Rotenberg: I accept that from Mr. Mancini. I am please that he said that, because if items 2 and 3 come off this, it changes the tone somewhat.

Getting back to the Commission on Election Contributions and Expenses report which is now before us: If, in the wisdom of the committee, we are going to deal with that, I do not think we can deal with it in half an hour or an hour on a Thursday morning between now and the time the House prorogues.

Mr. Mancini: We would start.

Mr. Rotenberg: No. Quite frankly, I think we should deal with it in the spirit of this committee--that is, I agree with Mr. Breaugh--in the spirit of looking at that election expense commission as any other board or commission is looked at, which is scheduled in for a proper hearing when we deal with it, either in the winter or summer break, give it two or three days as are given to some boards. We should look at it, I hope, in the spirit that Mr. Mancini and Mr. Breaugh bring to it, of looking at the act and

at how they operate; whether they are operating in the best interests of the people of Ontario.

I hope, and I am sure, that Mr. Mancini is not bringing us in to having any kind of witch hunt or probe, or to point fingers at whatever candidate or party may have spent so much money. That has really nothing to do with the report of the commission. They are only reporting facts.

Mr. Mancini: We do not want to point any fingers, David.

Mr. Rotenberg: If we want to look at the act, and whether the act should be changed or whether the commission's makeup should be changed, or whether the way they operate should be changed, or whether we feel other things, of course it should be done, Mr. Chairman, but it should be done when we have the proper time to sit down.

We do it as we have done with every other agency, board and commission. We say to our researcher, who is not here this morning: "Go and look at the act, write us a report, see what the act is. Give us some preliminary views on the pros and cons of the act." Then we take the time to study it and we go into it.

That is the way we have proceeded with every other board and commission, and I think we have done it with everybody else. I have no qualms about or objections to dealing with the Commission on Election Contributions and Expenses in that way.

Frankly, Mr. Chairman, I am not prepared to come in here one or two weeks from now and spend a little bit of time without any research report in advance or without having the commission given warning so that they can prepare a report for us. That is not the way to deal with it. If we want to deal with it, it is in the manner that this committee has acted, and I think acted very well, in the past number of years.

Frankly, when we get into the report of this commission or any other one; yes, with respect, Mr. Chairman, we sometimes do get a wee bit partisan because we have different views on what a commission or agency or board should be doing and maybe slightly different views from what is happening. That is fair game in that sort of thing; but you are right, we do not get partisan in the procedures.

Frankly, Mr. Chairman, I would suggest that as this matter has been referred to the committee, either someone move that we amend our report for something in the winter time, take off one of the boards and do it then; or that we say, "Fine, we are going to do it and we will put it on for next summer when we are dealing with boards and commissions, and we shall do it properly."

Frankly, Mr. Chairman, I am not prepared to take that election expense commission or the Civil Service Commission, or any other agency or board and do a standing-on-one-foot type of probe, in and out fast, a few things done, and not go into it properly. Either we do it properly, have the research done, have the commission write a report, or we do not do it at all.

Mr. Chairman: By the way, is the latest report we have January 31, 1980?

Mr. G. W. Taylor: It will not do him any good, if he is going to stick to that report. The reasoning behind it sits well with me.

Interjections.

Mr. Chairman: You are back to the 1977 election. Is that what you are looking at here?

Mr. Rotenberg: The report before us does not deal with the 1981 election. You have made a good point. That report is not available yet. If you want to discuss it in the light of the 1981 election, I do not think we should discuss it, frankly, Mr. Chairman. I do not think we should be dealing with the Commission on Election Contributions and Expenses, based on the numbers on any particular election. I think that is irrelevant to dealing with whether the commission has acted properly or not. So if we take the January 1, 1980, election report, which as you say does not deal with the last election, that is fine, because that is our springboard for dealing with the whole commission.

As I say, I think we should deal with it either properly or not at all.

Mr. McLean: Mr. Chairman, briefly: I do not believe that this morning we have been acting in a nonpartisan manner here in the committee. Since I have been on this committee, I think we have worked together as a team and I do believe that if Mr. Mancini had brought in a resolution this morning much like what he had spoken on before, probably the consideration would have been more favourable.

I do not believe that items 2 and 3 in the resolution before us--I, for one, do not feel that I should be pointing a finger at any civil servant in the provincial ministries. The election expenses and contributions are something we could take a look at. I agree with that. But I do not agree with items 2 or 3 under any circumstances.

If it would be in order, Mr. Chairman, I would make an amendment that items 2 and 3 be deleted from the resolution.

11 a.m.

Mr. Chairman: Any comment, Mr. Mancini?

Mr. Mancini: I made a recommendation earlier. We are prepared to accept that, Mr. McLean. Maybe if I could read a new motion to the clerk the committee might--

Mr. Robinson: Not having got anywhere with that one.

Mr. Chairman: It would be simpler to have an amendment.

Mr. Hodgson: Make sure you have a new date.

Mr. Mancini: Of course, Mr. Chairman, when we move motions it is partisan. When the majority Conservative government does not accept it, it is not partisan.

Interjections.

Mr. Chairman: Order. In the spirit of California, carry on.

Mr. Mancini: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Mancini moves that pursuant to the petition tabled in the Legislature on Tuesday, October 27, 1981, requesting the referral to the standing committee on procedural affairs of the annual report of the Commission on Election Contributions and Expenses for the year ending January 31, 1980, that the same annual report be brought before this committee for consideration.

Mr. Mancini: An adjunct to that would be, Mr. Chairman, following the passage of this motion, we can discuss the timing and the chronology of the study.

Mr. Rotenberg: With respect, Mr. Chairman, the motion is before the committee.

Mr. Robinson: It is already here.

Mr. Mancini: No. I changed it, because I officially--

Mr. Rotenberg: No. With respect--

Mr. Robinson: No.

Mr. Rotenberg: That motion is already here by the referral.

Mr. Robinson: We do not need a motion to say we are going to do it. We are already obliged to do it because it has been referred by the House. Now it is just a matter of when.

Mr. Mancini: I thought I was being helpful.

Interjections.

Mr. Robinson: That is fine, but you were--

Mr. Chairman: We need a date. As has been said, Remo, the motion that you have really is unnecessary, but if you indicate a date in that motion, then there is some effect to that and--

Mr. Mancini: I would say possibly it appears to me that the committee wants a researcher's report, they want to spend significant time on this, and the only way we are going to be able to do that, Mr. Chairman, is to plan some time after the Christmas recess.

Mr. Robinson: The ABCs.

Mr. Hodgson: I do not think we will be able to do it that quickly. I do not think the election commission for 1981 report will be completed. You are looking at--

Mr. Mancini: We will do 1980.

Mr. Hodgson: You are looking at--

Mr. Mancini: No, I said 1980.

Mr. Hodgson: Unless you are going to review the legislation that has set up the election commission, or you are going to review all their activities, those are two different things. The legislation could be reviewed right after the new year, but as far as the rest of it goes, I do not think it would be completed until some time after the winter break.

Mr. Chairman: He has indicated that he is satisfied with the date he has, as far as the report is concerned--the January 31, 1980, report.

Mr. Robinson: I was going to offer an amendment, Mr. Chairman, that rather than trying to get a hold of the situation now that we, indeed, make these two referrals from the Legislature the number one priority of this committee in its review of agencies, boards and commissions during the summer of 1982.

Mr. Chairman: Any other comment on the motion, or amendment?

Mr. Breaugh: Yes. I am not certain of the timing of the thing but I am certain that if you want to review the legislation, it would make sense to me that you would want to have in your possession and clearly within the purview of the committee all three reports of three elections. You would not want to exclude the last one just because you want to hear this in January as opposed to March.

So, I am not sure that the motion is particularly designed to accommodate that, but from my point of view, I want to have before the committee all three reports of the commission since the legislation has been passed.

Mr. Robinson: That was my point (inaudible).

Mr. Breaugh: That will most likely be accommodated by (inaudible).

Mr. Robinson: There is hardly any point to doing a review now and then, before we get the report to the House, we have all the information from March 19 of this year and we end up having to amend it or do it all again. We might as well do it comprehensively, at one time, in the face of the current election results, and do it properly.

Mr. Mancini: I have a point of clarification, Mr.

Chairman. Does your motion include both reports, Mr. Robinson?

Mr. Robinson: I am recommending both at this time. Yes.

Mr. Mancini: Fine. That is acceptable to us, Mr. Chairman.

Mr. Chairman: Mr. Robinson moves that the motion be amended so that the two matters referred to this committee by the Legislature become the two priority aspects of this committee's review of agencies, boards and commissions during the summer review of 1982.

Mr. Rotenberg: Mr. Chairman, on that motion, I agree in principle to what Mr. Robinson is saying, because we have set our winter review of the four things and next summer we are going to have to do some others.

I hesitate to commit this committee to do both of those in next summer's review. They are both major items and when we do our ABC reviews we usually take one major one, a couple of middle sized ones and one smaller one. It may be that when we sit down in May or June some time next year deciding on next summer's agenda, we may find that doing both of those major things--because both of them are big ones and they are going to take a lot of time--may just be too much for next summer's report.

Mr. Chairman: This is just a suggestion--I am not trying to regulate this. Why don't you amend your motion to the effect that when these reports are available, the reports indicated by Mr. Breaugh, that they be considered by the committee, either during the spring session of the Legislature, or during the summer recess? There is no reason why we cannot deal with them when the House is in session between, say, March and the end of June.

Mr. Rotenberg: Mr. Chairman, we have just dealt with ABCs--to do an ABC, you have got to sit down two or three days consecutively. You cannot do it--

Interjections.

Mr. Rotenberg: You cannot do it for an hour every Thursday over three or four weeks. You need the continuity to do a job properly. If we sincerely want to do a proper review of these, as I am sure all members of the committee do, you have to do it over three or four days.

Mr. Robinson: I would let the amendment stand, Mr. Chairman.

Mr. Chairman: Yes. The amendment includes both--I cannot agree with Mr. Rotenberg that there is not time to deal with both. Your amendment does deal with both.

Mr. Robinson: It deals with both, Mr. Chairman, and they will receive priority consideration as we establish the list for next summer's review.

Mr. Chairman: You have heard Mr. Robinson's amendment. Is there any further comment? All in favour?

Amendment agreed to.

Motion, as amended, agreed to.

Mr. Chairman: The next item is agency hearings.

Gentlemen, you will recall that we had decided that we were to set aside three days in January, the twelfth, thirteenth and fourteenth, to consider the Board of Censors, the Ontario Energy Board, the Ontario Police Commission and the Toronto Area Transit Operating Authority. Staff does not feel that those three days are sufficient to deal properly with those four agencies, and feels that we need at least another two days.

So, I would suggest, if it is all right, we either meet on, say, the eighteenth and nineteenth, or the nineteenth and twentieth, or possibly the seventh or eighth--whatever you think.

Mr. Robinson: Could I move the seventh and eighth, Mr. Chairman, rather than backing it up into the visit to Westminster?

Mr. Chairman: You know that the eighth is a Friday--and I know how you fellows all love to be around here on Fridays.

Mr. Robinson: The sixth and seventh, Mr. Chairman--Wednesday and Thursday?

Mr. Chairman: You will be recovered by that time?

Mr. Robinson: I am sure I will be.

Mr. McLean: We are already meeting on the twelfth, thirteenth and fourteenth. Right?

Mr. Chairman: Yes.

Mr. Robinson: Yes. Better back it up ahead of that.

Mr. McLean: What is the matter with going to the next week then--the seventeenth and eighteenth?

Mr. Robinson: I will be away.

Mr. Epp: I think, Mr. Chairman, when it is--

Mr. Chairman: I had a suggestion. I was going to suggest, Mr. Epp, that--Smirle here sort of surprises me from time to time, but he suggests that we should go and visit the Ontario Board of Censors. Is there any comment about that?

Mr. Epp: That is a good suggestion, providing we are not censored.

Mr. Chairman: Go ahead. What were you going to say?

Mr. Breaugh: I am shocked myself.

11:10 a.m.

Mr. Epp: I was going to suggest, Mr. Chairman, that we take that week of the fourth and maybe start on Wednesday, then Thursday and, if necessary, Friday.

Mr. Robinson: Yes. That was my recommendation.

Mr. Epp: If you are going to go later, you are going to have conflicts with other committee meetings. A number of us are going to have those conflicts through the January and February break. So even the fifth, I am easy on the fifth.

Mr. Chairman: There has been a suggestion that we meet on the sixth and the seventh and, if necessary, the eighth. Is that all right?

Mr. Robinson: Yes, no problem.

Mr. Chairman: Okay. We do not need a motion on that.

Mr. Hodgson: As well as the twelfth, thirteenth and fourteenth.

Mr. Robinson: Sixth, seventh, eighth, twelfth, thirteenth and fourteenth.

Mr. Chairman: Surely everybody will be recovered by that time.

Mr. Watson: Mr. Chairman, I would support the suggestion of the clerk that we visit the censor board and see the activities.

Mr. Chairman: All right. I would suggest we do so that first week, if that is convenient.

Clerk of the Committee: Also, John was concerned about whether the committee wished to have witnesses appear, such as, film distributors--

Mr. Robinson: Film stars, hard-core stars.

Clerk of the Committee: --and whether you wish to go to the police commission headquarters or training college at Aylmer.

Mr. Hodgson: Do you mean you could work all of them into that time?

Mr. Chairman: I do not know what you can do. I have visited Aylmer on many occasions and it takes a full day, certainly. Is there an airport in St. Thomas? Is this in St. Thomas?

Mr. Robinson: Mr. Chairman, could I recommend that Mr. Eichmanis come back with a brief report on how he sees the

advantages or disadvantages of taking a firsthand look at these things for the meeting next week?

Mr. Chairman: Yes.

Mr. Robinson: I always trust his judgement and his analytical ability. He certainly was a winner going to Mohawk during the last series. I think that was invaluable. All members of the committee would agree that of all the agencies we reviewed, going to Mohawk was particularly helpful. I would certainly like the benefit of his comments on this series as well.

Mr. Chairman: That is fine.

Item four: As you know, we have talked about considering the standing orders. From time to time at our committee meetings, as we have this morning, we have talked about amending certain sections of the standing orders. There seems to be some consensus about certain sections that we need some changes, whether it is oral questions or something else.

How do you want to proceed with this? Do you want to start, say, next week and deal with the standing orders? Do you feel we should do it when we can do it on a consecutive-day basis when the House is not in session? Or do you feel we should wait till we have finished our trip, when we will have, hopefully, more information and knowledge, and work from there?

Mr. Robinson: I would suggest that we have the best of both worlds, Mr. Chairman, both by doing it on consecutive days, because trying to pick up the thread of argument as we go from one one section to another would be difficult with weeks in between, and it might also be of considerable benefit to do it in light of what we learn in Westminster. I leave it with you and the clerk to establish suitable dates following that learning experience.

Mr. Chairman: In order to give the clerk some idea of what we want to do to set up an agenda, are there any particular sections or areas of the existing standing orders that any committee member would like see considered by the committee?

Mr. Mancini: Question period.

Mr. G. W. Taylor: Mr. Mancini would like it to be looked at again.

Mr. Breaugh: The same motion.

Mr. Rotenberg: Mr. Chairman, we finished quite a comprehensive review of standing orders just a year ago.

Mr. Chairman: But we did not bring in any amendments.

Mr. Rotenberg: We put a lot of amendments. There were a lot of changes in the standing orders. There really was a very comprehensive review by the committee, as then constituted.

Mr. Chairman, I do not think the time is ripe to have

another comprehensive review. There have been one or two specific things referred to us, and we should stick to those or any really specific matters which people feel we should do; there are some things. But I don't think we should get into a general review. There are not all that many things before us. I really would hesitate to spend a lot of time again on standing orders when the ink is hardly dry in the book.

Mr. Chairman: As you know, Dave, the only thing is there are some new members of this committee who have made specific requests and raised particular points about certain sections already. It is not as if we have ignored the standing orders. I just feel that this is one of the prime functions of this committee.

Mr. Rotenberg: Mr. Chairman, I am sure the clerk has a list of those matters members have been raising and we should make a list of any other specific matters that a member wants to discuss and discuss those only. I do not think we should go looking for things to discuss in the standing orders. The clerk can give us a list of those things that have been raised in the committee over the past number of weeks. Let's sit down and discuss them. That is all we should do.

Mr. Chairman: That coupled with any suggestions of your own. If you have any, give them to the clerk.

Mr. Rotenberg: I do not think we should run a clause by clause. We just did it.

Mr. G. W. Taylor: To me you are talking about the same thing in different ways.

Mr. Chairman: If you do not want to go clause by clause, and I cannot really see any reason why not, let's have some suggestions so we can deal with them. What has been raised up to now will be in Hansard. If you have anything that you want to consider, make sure the clerk has that information, so that instead of sort of hunting and pecking and getting into a vague, general discussion about things, we can have something concrete to discuss when we deal with the standing orders. I depend on the committee, particularly some of the opposition members who, like this morning, feel that some of these rules should be changed.

Mr. Robinson: Could I suggest that we incorporate my motion of dealing with it following the trip to Westminster, and also about doing it on consecutive days, that sometime in the next few weeks we bring before committee in a regular meeting, those areas of concern: and if, in analysing those areas, they are of such size or sufficiency that it really would deserve the benefit of clause by clause examination, that we revert to my previous motion at that time?

Mr. Chairman: All right. One of the things that comes to my mind is the question of estimates. We spent most of one morning talking about how we handle estimates. I think we have to complete our discussion on that. Certainly the ministers themselves are not happy with the present situation. Whether it is a question of

changing the number of hours or the whole process, or whether we give it to a different committee, et cetera, I would like to see that dealt with further and to have some suggestions.

Again it is a matter of timing. If you want to wait until we learn something at Westminster regarding the handling of estimates of the the Chancellor of the Exchequer--the big boy with his old brass case, or something, who flits around, hiding or something, for a few days before budget time.

Okay, on visit to Westminster, a report from clerk.

Clerk of the Committee: I just thought I would go over a tentative agenda. The subjects that I have discussed with Mr. Ryle. We might be discussing them when we are in London. This is based on the agenda that was prepared for the committee last February. We would be looking, first of all, at the organization practices and procedures of the House, with special reference to the development of the committee system in the last few years since the new system was introduced in 1978.

Then we would probably meet with a clerk of a select committee to discuss the work of select committees and after that, meet with the chairman of a select committee to discuss further the work of those committees and the types of committees. Another item would be meeting with a government whip to discuss the organization of business of the House and talk about the different levels of whip they have there, how that affects the House.

11:20 a.m.

We will also attend meetings of standing and select committees, discuss the operation of their public accounts committee, see the Speaker's procession, attend the House of Commons for questions to ministers and also visit the gallery in the House of Lords. Then we will attend more meetings of select committees.

Mr. Chairman: You will be happy to know we have a tea break at 1600 hours.

Mr. G. W. Taylor: Smirle, could you get us a copy of their standing orders before we go, well in advance so we can poke our nose through it?

Mr. Mancini: Mr. Chairman, could we be sure to go to Ontario House?

Clerk of the Committee: I have spoken to the agent general and he wants to meet with us.

Mr. Mancini: Who is the agent general?.

Clerk of the Committee: Ross DeGeer. He wants to meet with us over some drinks.

Mr. Chairman: Agent général.

Mr. Mancini: The reason I want to go to Ontario House is so I can ask the agent general how he got that job, because I am quite interested in it.

Mr. Breaugh: Competition.

Clerk of the Committee: Then we would be looking at the legislative process in standing committees and seeing how bills are introduced in the House and dealt with in the standing committees. We will be discussing with the head of the administration department the administration of the House of Commons and taking a look at the House of Commons Commission, which is equivalent to our Board of Internal Economy. We will also be meeting with a clerk of the services committee, if possible. That is the equivalent of our members' services committee.

Mr. Robinson: Forgive me, I did not hear you.

Clerk of the Committee: We would be, hopefully, meeting with one of the clerks of the services committee, which is the equivalent of your committee.

Mr. Robinson: Nothing is the equivalent of my committee.

Clerk of the Committee: Then we would meet with some people from the Commonwealth Parliamentary Association, UK branch, to discuss what they have as matters of mutual political interest. There would be another attendance in the gallery of the House of Commons. We hope to meet with the Clerk of the House, Mr. Gordon.

Mr. Mancini: Would we meet the Prime Minister?

Mr. Robinson: When do we go to Buckingham Palace?

Clerk of the Committee: Then there will be a round-table discussion with members of the procedure committee and members of the select committees.

Mr. Mancini: Will we not meet the Prime Minister?

Clerk of the Committee: We will try. We will visit Sir Robin Vanderfelt, the secretary general of the Commonwealth Parliamentary Association, at his headquarters. We are also arranging for a reception to be held on Thursday evening, hosted by the chairman of the committee, for the British people we meet with and for the people who helped organize the committee. There may be a courtesy call that we would pay on Mrs. Wadds when we are over there.

Mr. Chairman: If she is still there.

Clerk of the Committee: I have arranged for briefing material from the Department of External Affairs and from our Ministry of Intergovernmental Affairs. That will be ready in January.

Mr. Rotenberg: I have found on the trips we have made, the Washington trip that some of us were on and the California

trip that most of us were on, that the most valuable part of the trip is some of the informal stuff where we sit almost one on one with the other members.

You mentioned you would be meeting with their procedural affairs people. I wonder if you could speak to your counterpart over there and suggest that we would like to meet about the same number of members of their Parliament from both parties at a lunch or dinner or reception; just some sort of unstructured, informal time with some of their members, when we can sit and talk to them about whatever comes up. I find that often very valuable to learning about the process.

Clerk of the Committee: CPA, UK branch, is going to host two lunches for us and I believe the House of Commons will also have a lunch.

Mr. Rotenberg: That's good.

Clerk of the Committee: They explained that they have a budgetary problem there, although they would like to host more dinners and things like that.

Mr. Rotenberg: Even if we could have it at the end of a session. Say we had a two to five session, we could make it two to four and have an hour just over coffee where we could sort of stand around and talk to people; not to serve lunch or dinner, just to have some walking around time.

Mr. Mancini: I have two points I would like to make. Are we going to be able, on an informal basis as we go along, to invite back to the chairman's room people who have been most helpful during the day? I see you mention where you are going to try to have one formal affair during the whole week and that may not be convenient to many of the people who, I am sure, will be quite helpful.

Secondly, I know that most members are going to be bringing their spouses and room-mates and girl friends and what have you, and I was wondering whether there was anything being arranged for these spouses, room-mates and girl friends to be kept busy while the members are attending these meetings.

Mr. Chairman: I think that is important, that at least for a couple of days there is something for them, even if it is just a tour of the city or something, or attend some of these luncheons or dinners.

Mr. Mancini: We are going to be there for seven or eight days and after about the third day--they cannot stay in the rooms by themselves.

Mr. Chairman: All right.

Interjections.

Mr. Hodgson: There are so many things to see over there.

Mr. Mancini: I know when the Alberta Parliamentary Association invited nine members of the House to visit, they had a special itinerary for the spouses every day we were there. It was just wonderful.

Mr. Chairman: I think it is important they have something to do where they can get together. In one place here we have "attend gallery for questions to ministers and to Prime Minister or gallery of House of Lords." There is no way we want to go to the House of Lords as a substitute for the Commons. Okay? You understand that then.

Mr. Hodgson: They serve a good dinner there.

Mr. Chairman: Where?

Mr. Hodgson: At the House of Lords.

Mr. Chairman: We will be there for a tea break or something. Nothing goes on there, believe me. There are two occasions, or maybe one, that we can go to the House of Lords. The attendance is terrible and late in the afternoon there is a lot of snoozing going on.

After other business, the committee continued in camera at 11:32 a.m.

ADDENDUM

The following motion, put at the close of the in camera portion of the committee's meeting of Thursday, Nov. 5, 1981, was inadvertently not included in the report of that sitting:

Mr. Breaugh moved, seconded by Mr. Robinson, that the report on agencies, boards and commissions be adopted and presented to the House by the chairman, and that the chairman move the adoption of the report.

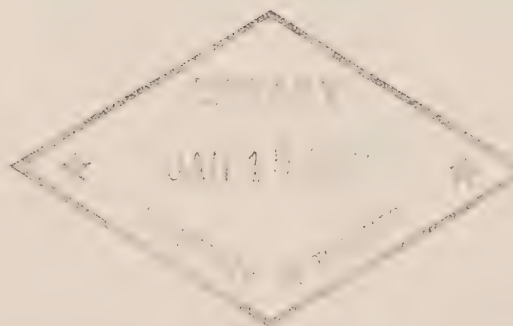
Motion agreed to.

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STANDING COMMITTEE ON PROCEDURAL AFFAIRS

COMMITTEE AGENDA;
REVIEW OF STANDING ORDERS

THURSDAY, DECEMBER 10, 1981



STANDING COMMITTEE ON PROCEDURAL AFFAIRS

CHAIRMAN: Kerr, G. A. (Burlington South PC)
VICE-CHAIRMAN: Rotenberg, D. (Wilson Heights PC)
Breaugh, M. J. (Oshawa NDP)
Charlton, B. A. (Hamilton Mountain NDP)
Edignoffer, H. A. (Perth L)
Epp, H. A. (Waterloo North L)
Hodgson, W. (York North PC)
Mancini, R. (Essex South L)
McLean, A. K. (Simcoe East PC)
Robinson, A. M. (Scarborough-Ellesmere PC)
Taylor, G. W. (Simcoe Centre PC)
Watson, A. N. (Chatham-Kent PC)

Clerk: Forsyth, S.

Consultant: Revell, D. L., Counsel, Legislative Counsel

Research Officer: Eichmanis, J.

LEGISLATURE OF ONTARIO

STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Thursday, December 10, 1981

The committee met at 10:30 a.m. in room No. 228.

COMMITTEE AGENDA; REVIEW OF STANDING ORDERS

Mr. Chairman: Gentlemen, we have a quorum. I hope you all have a copy of the proposed agenda. It involves five days in January, starting on January 6. You will see we are dealing with the Ontario Board of Censors, the Ontario Police Commission, the Toronto Area Transit Operating Authority and the Ontario Energy Board. Any comments?

I think the time allotted would seem to be sufficient.

Mr. Robinson: Mr. Chairman, I wonder on Wednesday, January 6, what we plan to be seeing in a visit to the Ontario Police Commission.

Mr. Chairman: I think it is just a matter of visiting their offices on the ninth floor. They will have some equipment there, the Canadian Police Information Centre, for example.

Mr. Robinson: We're going to see CPIC? Can they run a check on Smirle?

Mr. Chairman: Right, especially after the first of the year. It would be interesting to see the new additions, the area where they keep their security files. There is a lot more to the OPC than just holding commission meetings from time to time. I think the time allotted, an hour to an hour and a half, will give us enough of a background picture--

Mr. Charlton: George just wants to go up to see all his old buddies from the Solicitor General's office.

Mr. Chairman: I think a short visit like that will be worth while. The only thing that concerns me is the time. I hope those people can wait. Who knows, they might even lay on some cold cuts or something for us, so that we can immediately head out to the Board of Censors on Millwood Road.

Any other comments regarding the proposed agenda? I hope the timing and dates are convenient for everybody. John, have you sent out the usual letters advising people of the time and date?

Mr. Eichmanis: Yes.

Mr. Chairman: It is important, I think, that everybody is here for that briefing session on the morning of January 6.

Mr. Epp: Mr. Chairman, may I just pose a question at this time? It is anticipated we are going to meet on these five days, I

guess, and then there is the matter of going to Great Britain and so forth. Then is it anticipated on your return you will be meeting for a few weeks or something of that nature, or at any time, in order to assess that in conjunction with Sacramento?

Mr. Chairman: We have asked for time in February between conventions. It will be the latter part of February.

Mr. Epp: After the Liberal convention.

Mr. Charlton: We thought about the weekend you were having your convention.

Mr. Epp: That would be fine, because I will tell you--

Mr. Charlton: You are not going to be at the convention?

Mr. Epp: You could have it at the Sheraton and, in the spirit in which that convention is going to be held, I am sure the decisions coming out of this committee would all be compatible with the decisions at the convention. That would be just great.

Mr. Chairman: It is a matter of getting word from the government, from the various House leaders, to make sure there is no overlapping with other committees. But we are looking in February at a time that does not conflict with the conventions, at which time we will review the standing orders, review our trip to London, and do certain things that have to be done prior to the opening of the House in the spring. I hope we will have some recommendations for the new session of the Legislature.

Clerk of the Committee: I was speaking to the clerk at the overseas office in London on Tuesday. He said he would pass the agenda for the committee meeting here either tomorrow or Monday. So it should be out before the House prorogues.

Mr. Chairman: Consideration of a proposal with respect to standing orders concerning private bills: has everybody got a copy of this sheet, which indicates the proposed standing orders, the current standing orders and explanation?

The explanation column is for proposals only. For example, standing order 65(a) has not been amended. It will have to be amended if, in fact, we change the current standing orders as proposed.

Mr. Epp: That has or has not been amended?

Mr. Chairman: That is proposed to be amended. The whole column is a proposal of what would have to be done to implement the first column, which is the proposed changes. We can deal with each one as it comes along. Are there any comments regarding section 65(a)? That fee seems to be a little too much of a jump, frankly.

Mr. Revell: I would note, Mr. Chairman, that my own research shows the \$150 fee goes back to at least 1927, and I think Smirle may have traced it back further than that.

Clerk of the Committee: To 1919.

Mr. Revell: That \$150 was worth a lot more money then. I would point out to the committee that as far as Mrs. Nokes, for example, is involved, I would think at least 50 per cent of her time is spent on private bills and I would think somewhere between 25 and 50 per cent of my time.

My salary, of course, comes out of the Attorney General's budget and not out of the House budget, but we are looking at a considerable staff cost with respect to each of these private bill applications. They are considered very carefully by government and a lot of assistance is rendered to the applicants in the application. I think any of the members who have sponsored private bills are well aware of the assistance that has been given to their constituents in the preparation of private bills. I would point that out. The \$150 fee was set at a time when \$150 was a very great sum of money.

Mr. Epp: You are proposing \$500?

Mr. Revell: I did not propose the number at all. I think that was Mr. Forsyth's suggestion. I was just responding to the position that \$500 is too much of an increase. It is 150 per cent and more. So it does seem like a great increase, except when you consider historically what has happened to the purchasing power of a dollar. In fact, in some cases, municipalities are now bringing two or three applications a year. Their position is, "Well, it is only \$150." With a big municipality like Metro or the city of Toronto, even going to \$500 is not going to discourage it from coming two or three times a year.

Mr. Epp: Mr. Chairman, I would concur with that. It should be at least \$500. I say that particularly in view of the fact that municipalities--there is a new licensing bill going to come up, I guess in the spring. It has been introduced for first reading and I do not think we are going to have second reading on it--municipalities, which often sponsor private bills, have adopted the concept that if somebody is going to use up their time and their facilities to a certain extent, then maybe people should pay for (inaudible) as individuals. It has to come close to meeting the cost of it. Even \$500 would probably not come very close to it, but I think it is at least a step towards it.

So I would endorse that particular suggestion, despite the fact it is an increase of some proportion, certainly in excess of three times what we currently have. But in view of the fact this fee was set back in 1919, nobody would argue with the fact we have had inflation in excess of three times over that period.

10:40 a.m.

Mr. Chairman: I think one of the problems is, for example, yesterday I happened to have a educational bill setting up a private theological college. As in most cases, the fees were remitted, less the cost of advertising. I just wonder how many times your \$150 fee is never really paid. Are there any other comments?

Mr. Watson: Dealing with that section of it, I am concerned about the cost of printing these bills. The part about the \$500 doesn't bother me for a municipality that needs to come in here to propose a private bill, but it does for the one you speak of, the theological college. I also have one where, through no fault of this small church in Wallaceburg, it had to have a private bill. The fees were remitted but the printing cost was \$700 or \$800 and it's a little church of 40 people or something like that. It wasn't their fault. It had been discovered that a piece of land had not been properly searched or put over, so the only way to get out of it was to revive the church.

It's great to relieve the fees, but it was a real hardship on them to pay the printing cost. I was quite flabbergasted at the printing cost. I don't remember the exact figure but I have in my mind \$700 or \$800. We forgave them the fee of \$150 and I thought we were doing a big thing, but they would have been glad to pay the \$150 if they hadn't had to pay the other.

Mr. Chairman: You are not suggesting we pay the printing costs, are you?

Mr. Watson: No, but I am concerned about the cost involved for a one-page bill for a charitable group that gets caught and has to have it reprinted.

Mr. Revell: There is no doubt the cost is quite substantial, but it is a chargeback cost. There is no profit to the Legislative Assembly revenue fund out of that chargeback cost. The unfortunate thing is it is very expensive to have bills set and run, and if there are amendments there are further setting costs.

Mr. Watson: That is what I was told. I was lucky there were no amendments.

Mr. Revell: That is essentially correct. I do advise, not in a formal way, when people come to me at the outset, that they will be facing a printing cost and that they will not be receiving the bill, usually for several weeks and months after the bill has passed through the House, so that it won't come as a terrible shock.

In some cases, I have become more aware of that because of correspondence I have seen involving applicants, so I do now make it a point to advise people at the outset. The large municipalities know the cost up front, but when it is a church group I advise them of the cost they will be looking at several weeks in the future. That is where it stands now.

Mr. Robinson: What is the cost?

Mr. Revell: The cost for a one-page bill, as Mr. Watson mentioned, can vary between \$500 and \$1,000. We don't handle the billing in our office. I am with legislative counsel and the cost is charged back through the clerk's office. They receive the bill from Noble Scott who have the contract for printing all government legislation.

Mr. Watson: If you amend it, it doubles?

Mr. Revell: I don't think it quite doubles, but it is substantial.

Mr. Robinson: Is that price cost-effective?

Mr. Revell: As far as I know, it is a straight chargeback basis.

Mr. Robinson: How does it reflect against what we actually spend?

Mr. Revell: Maybe Mr. Forsyth is more familiar with that, but, as far as I know, if we receive a bill for \$750 from the printer, that is the bill that is, in turn, passed along to the applicant.

Mr. Robinson: So it is cost effective as a unit; it is an actual unit charged as opposed to a flat fee that we do on one-page bills?

Mr. Revell: Yes. This is one of the things I have tried to bring out in working with Mr. Forsyth on redrafting the proposed standing orders. If you take a look at section 65(b) which is at the lower lefthand corner of the page, right now the cost of printing is set out in 65(b), very minimally, and there is another reference further on with respect to the present standing order 76, I believe. It is set out in the centre column on the first page.

The printing costs are really not emphasized in the present standing orders as effectively as I think they might be. What I have done is I have gathered all of the printing costs into one place and, using the paragraphing structure it hits your eye, bang, bang, bang. This is what the applicant will be responsible for.

Mr. Charton: I have a question about printing costs. I can understand and accept why we charge the applicant for the initial printing cost, but if the members of this Legislature, or any committee of this Legislature should chose to amend a bill, why is that also the responsibility of the applicant?

Mr. Chairman: Do you mean a member of the Legislature?

Mr. Charlton: We were talking about reprinting costs if the bill is amended by the members here. I don't necessarily see where that is a legitimate charge against the applicant. The applicant has submitted the bill the applicant wants. He is going to pay the printing costs for that particular bill. If that bill is dealt with in general government and the general government committee chooses to amend that bill, why is that additional printing cost charged to the applicant?

Mr. Chairman: The only thing I can think of is the applicant may have been a little adamant and didn't follow the suggestion of the legislative counsel. Maybe he read the minds of the committee. I don't know how you can break it up.

Mr. Revell: In some cases it is a case of the applicant asking for too much. They come in and ask for X, and after much discussion, usually with the appropriate government ministries, it is really resolved that what they are asking for is X minus Y. Then it becomes a question presumably for this committee to determine whether these reprinting costs should be charged.

Is it fair to transfer to the taxpayers at large the cost of printing a bill and reprinting a bill when what triggered the whole mechanism in the first place was this applicant coming forward and invoking a legislative process for their particular and special needs? Where should the burden lie--with all the taxpayers of Ontario or with the particular applicant?

I would think that 90 per cent of the amendments are agreed amendments. Sometimes after the bill has gone into the House the applicant has reviewed his own bill and in sober second thought has said, "Gee, that is really not what I wanted in the first place," and they are coming and asking for the technical amendment.

Mr. Charlton: I have seen cases like that. I have seen quite a number of cases in my three years on the general government committee when the process that was going on around a municipal bill was a political process, that the members of the committee has not necessarily anything to do with even the municipality asking for too much.

I recall an Ottawa bill and a Toronto bill around energy conservation and a number of things like that where it was the discretion of legislators here that did the number on that bill, and had nothing to do with the municipality. The municipality's wishes were clearly stated in the bill itself.

10:50 a.m.

Mr. Revell: But you see, Mr. Charlton, if it had come to the House, and it had been a one section bill that dealt with energy policy, I am very familiar with the section you are dealing with, they would have paid the cost of printing of that one section bill. If it had not been reported out of the committee they would still have had to pay the printing costs to that point in time.

The fact is that they tied that application with respect to the energy thing to other general municipal powers, a little more licensing power, a little bit to deal with their Sparks Street Mall commission, or whatever. Is it really unfair? When they came here they knew at the outset that the Legislature in its wisdom may decide to pass or not pass any particular section and that the costs that they are going to be facing would be dealt with in the political process. It is a political decision. I cannot justify it any more than that.

Mr. Charlton: The reason why I raised it is that it seems to me that once a bill has had first reading it is then the property of this Legislature, and it is this Legislature that makes the decisions about what then happens to that bill. Triggering that process I understand. The particular municipality or the particular church, or whatever, is the party that triggered that process.

There is no question about that. But from that point on, once it has been introduced by a member of this House and had first reading, it is the property of this Legislature and from that point is a legislative decision as to what happens to that bill.

Mr. Chairman: You know that provision exists now and we are not proposing anything new as far as the cost of reprinting is concerned.

Let us get back to the item of the fee. Mr. Epp has suggested that we accept the proposal of the fee of \$500. In light of what we have heard in the discussion regarding the cost of printing and the cost of reprinting, is there any other discussion by any other committee members in respect to a proposed fee of \$500? Are you putting that in the form of a motion?

Mr. Epp: I would be pleased to, Mr. Chairman.

Mr. Charlton: I just have one question, Mr. Chairman. It was mentioned about the forgiving of the fee in certain instances. What are the criteria?

Mr. Chairman: Educational and charitable institutions.

Mr. Charlton: Those are the only criteria for forgiving the fee?

Mr. Chairman: Yes.

Mr. Robinson: I think we should deal with that when we get to that particular part, Mr. Chairman.

Mr. Chairman: All in favour that the proposal that the fee be raised to \$500?

All opposed?

Motion agreed to.

Mr. Chairman: Is everybody in favour of the proposal made under 65(b)?

Those opposed?

Motion agreed to.

Mr. Chairman: Apparently 65(c) is the same as it is now.

Mr. Robinson: Should that be increased? On a pro rata basis that is approximately one third of the original 1927 charge. I wonder if we should not increase that charge proportionately for suspension.

Mr. Chairman: Is there any further comment on that? What amount?

Mr. Robinson: To \$150.

Mr. Watson: What is the implication of that? Give me an example of a standing order that is suspended?

Mr. Revell: There have not been overly many suspensions. The standard one that is waived actually occurs at this time of the year as we run out of time with private bills on the Order Paper. There is a standing order that requires five days notice of the hearing and, because of committee scheduling problems, committees start to say, "We will take this bill at 9:30 tomorrow morning," so there is a motion moved at two o'clock in the afternoon to allow the bill to be considered in the committee the next morning.

Clerk of the Committee: But in those cases the applicants have not been charged the \$50.

Mr. Revell: As Mr. Forsyth says they haven't been charged, but that is the sort of waivers we get.

Mr. Watson: But give me an example of a standing order. Where is a standing order suspended?

Mr. Revell: I can remember one where the fee, as far as I know, was charged.

Mr. Chairman: He wants to know a situation.

Mr. Robinson: I gather that if somebody is bringing forth a private bill and they requested a standing order be suspended in order to accommodate their time schedule then they are liable for a fee of \$50.

Mr. Revell: The best example I can think of in recent years was the board of education either in Welland or in St. Catharines, a board in that part of the municipality, under the Education Act, they were required to change the composition of their board. The municipal council and the board of education thought that this was going to work an injustice, this redistribution, because it was going to take away a member from one area of the municipality so they would be reduced to one member only. Mr. Charlton, you may have been involved with that one in committee. I cannot remember now.

Mr. Charlton: I can remember the Ottawa one but I do not specifically remember Welland.

Mr. Revell: The Welland board applied for private legislation. The municipal election was coming on very quickly and the House did not sit until the beginning of October. In fact, their advertising was not finished. If the five days had been still in force we would have gotten past the deadlines for all sorts of things happening under the Municipal Elections Act. Things were just happening that quickly.

So they had only run their ads for two weeks. They were allowed to forego the remainder of their advertising, and the bill was brought on without five days notice in committee. That was at the request of the applicant, and there was a motion in the House.

There is an example of a suspension of a standing order to facilitate the need, the perceived emergency situation.

Mr. Watson: I see that one, but I also see the other side. If we have a latitude here to have some discretion, that is fine, but if we do not I am not in favour of it because, say, we have a motion because of our schedule and we want the standing order set aside I would hate to see those people billed.

Mr. Revell: Perhaps 65(c) could be clarified, Mr. Watson, to say, "where a standing order is suspended at the request of the applicant." Would that resolve it?

Mr. Watson: If that is what it means, and I am taking your interpretation of when that can happen. Yes, I would be in favour of that kind of an amendment because I do not think it is right, and it goes back to Mr. Charlton's point, that if we make the decision, and I appreciate his point on the other matter, but I think we should do something about this one. If we, as a Legislature, suspend the standing orders for whatever reason, we should not charge. You advised me that those people in the past have not been charged and, I suppose, in the strictest sense of the word you have not been doing what the standing orders said.

Mr. Robinson: I will add that to my amendment.

Mr. Chairman: Mr. Robinson moves that where a standing order is suspending at the request of the applicant with reference to a private bill," et cetera, "charge \$50."

Mr. Robinson: My amendment was \$150.

Mr. Chairman: Mr. Robinson suggested that \$50 be increased to \$150.

All in favour of those changes?

Mr. McLean: Mr. Chairman, let us have a little clarification on that. He pays the \$500 first to have the bill introduced, right? And if he requests it to be withdrawn he gets back, at present, \$50 of that?

Mr. Chairman: No, that is only when there is a change. In other words he requests, in order to expedite the bill, that a certain standing order in reference to the bill be suspended. You have heard some examples of it. That puts the committee and the legislative council to some expense for changes regarding notices, for example, then the extra cost of that is charged to the applicant. That is at the request of the applicant that the standing order be suspended.

11 a.m.

Mr. Charlton: What are the costs involved?

Mr. Revell: As a matter of fact, this is a charge that does not affect our office. Usually when the standing orders are

suspended, it has no cost impact on our office whatsoever. It is really a penalty for requesting--

Mr. Charlton: That is the point I wanted to get at. We all agreed to raise the application fee to \$500 in order to recoup a greater proportion of the cost of actually preparing and handling that bill. This is a penalty, not a cost to the Legislature. I am not sure whether we need to be taking exactly the same kind of line on this particular item.

Mr. Robinson: I move the increase to \$150 so that the penalty is proportionate to the fee and we maintain an equity. If a \$50 fee was equitable to a \$150 penalty then logically so should \$150 be to \$500.

Mr. Rotenberg: I would like to know if there are extra costs to the Legislature if standing orders are suspended. There are many times where there are no costs to anybody. I do not feel someone should be penalized simply because they want the process speeded up or slowed down or something done in process which is a little different than the normal process.

Mr. Charlton: That is exactly what I am referring to.

Mr. Rotenberg: I can see reimbursing for costs. I can see saying the applicant had to reimburse for costs up to \$150 if standing orders are suspended as a request, if there is a cost to us that can be measured. But just to penalize them, if he is supposed to have two weeks' time and we can do it a week earlier and it is just a matter of a resolution in the House, then what the hell?

Mr. Chairman: There is really no extra cost.

Mr. Robinson: Are we going to answer the quorum call, Mr. Chairman?

Mr. Chairman: No.

Mr. Rotenberg: I would suggest we do, Mr. Chairman, with respect.

Mr. Chairman: We have to get through this stuff this morning. One or two should go. Alan, you have made a motion here.

Can we deal with this motion before you leave, Dave?

Mr. Rotenberg: Yes. As I say, I do not think we should have this.

Mr. Chairman: Do you want to change the figure you have proposed?

Mr. Rotenberg: We have never used this, as I gather.

Mr. Revell: I can think of at least once (inaudible).

Mr. Rotenberg: I would rather the motion said to reimburse for costs up to \$150 rather than the automatic penalty. If we have a cost, we should bill them for it, but if there is no cost, I do not think we should.

Mr. Chairman: It is impossible to determine costs. It is a matter of the mechanism of the Legislature. You are paid a salary to be in the Legislature. You may have to suspend a standing order. What cost is that?

Mr. Rotenberg: If the House leader stands up and moves it--

Mr. Charlton: What is the cost of having Tom stand up in the House?

Mr. Rotenberg: With respect, Mr. Chairman, I would rather not have the penalty, the provision of \$500. I would rather not have the penalty clause. If we can justify it, let me put it that way.

Mr. Chairman: Will you make a motion that the charge of \$50 stays the same? Would you like to do that?

Mr. Rotenberg: I'll accept that.

Mr. Chairman: Have we got a seconder to the motion?

Mr. Charlton: I'll second it.

Mr. Chairman: All in favour of leaving section 65(c) as is?

Mr. Charlton: No, there is another part of the amendment which most of us are prepared to accept.

Mr. Robinson: It seems to be the consensus of the committee. I will withdraw my fee amendment, leaving the other one at the request of the applicant in place and accept that the rest of the clause be removed.

Mr. Chairman: It will now read, "Where a standing order is suspended at the request of the applicant with reference to a private bill, a charge of \$50 shall be levied."

Motion agreed to.

Mr. Chairman: Are there any questions on 65(d)? That's the one we were talking about before. It does not seem to include educational institutions. I guess they have expanded it out of practice. For example, the one yesterday, the theological college, was not a charitable institution.

Mr. Revell: I have used the words "charitable institution" and perhaps I have been a little too concise. I have used it in the sense of charitable institution within the meaning of the Income Tax Act of Canada.

Mr. Charlton: A nonprofit organization.

Mr. Revell: It would not include nonprofit organizations. Religious institutions I think are automatically qualified for charitable status under the Income Tax Act.

There is a list of people who are eligible. If you like, we could put in "a charitable institution within the meaning of the Income Tax Act of Canada." That is very wide ranging.

There are a lot of nonprofit organizations that do apply. For example, the Chicopee ski club has a bill before the House right now. They are certainly nonprofit but they are not charitable. Many of these nonprofit organizations show a substantial, healthy balance at the end of the year.

Mr. Chairman: What we will do is leave it as it is then.

Mr. Robinson: If I may, I was just going to suggest that there was some concern from other members who were here until a few moments ago that it may not be simply the rescinding or remitting of the fee that may be the onerous or the grievous part of this particular section. Whether or not this committee under the same definition of charitable institutions should not give consideration to some proportioning of the printing costs, if indeed there are legitimate institutions that we have heard of this morning that through no fault of their own become trapped in a situation where it is necessary that they apply for a private bill and have to bear the substantial cost of the printing. There might be some other discretionary consideration within this clause.

Mr. Chairman: In other words, that the fee paid under clause (a) be remitted or partially remitted, something like that?

Mr. Robinson: It is not that I am concerned with the fee as such, Mr. Chairman, it is the cost of the printing.

Mr. Charlton: The additional charges, the printing charges.

Mr. Chairman: That does not eliminate the cost of printing.

Mr. Robinson: Not at the moment. That is what I am suggesting, that we consider whether or not the committee had discretion to charge 50 per cent of the cost of printing or something along that line.

Mr. Chairman: It seems kind of ludicrous to sit here, more than double the fee and then remit fixed costs to the government. There is no way around it. It just seems silly. We are giving with one hand and taking away with the other.

Mr. Charlton: In this clause we are giving back.

Mr. Robinson: Yes, that is the point. It is not that we are dealing with corporations or municipal governments that are quite able to afford it, we are dealing specifically with

charitable institutions which are wide ranging. Mr. Watson's church, for instance, would not easily have the ability to come up with those printing costs.

Mr. Revell: Mr. Chairman, perhaps I could respond. I think the Wallaceburg church situation is reasonably unique. Once you get into this, I think you will find that every charitable institution would be asking for the remission of the fees.

Some charitable institutions are much better off than others. I can give you an example. A number of applications have been made, and I know others are coming forward, dealing with cultural centres, these are ethnic cultural centres, for tax rebates. So far, every applicant that comes under that heading has been successful. As far as I know, every one of them has had the \$150 fee waived. The effect of the legislation is that they go from paying taxes anywhere in the neighbourhood of \$25,000 to \$50,000 a year to paying no municipal taxes.

On the cost of the bill, there is a slight gamble in applying for legislation because there is always the chance you will be turned back. Last week, for example, the Latvian Cultural Centre, which had a bill go through the House, stands in a much better position. Then there are other churches: the Knox Presbyterian Church in Ottawa last year had an application and that is a fairly well-endowed church.

While it works an injustice in the case of the Wallaceburg church and a couple of other small institutions that have applied, they are all going to ask for the same remission and is it really fair that the taxpayers pick up every cost that is involved in that kind of application?

Mr. Chairman: The only comment I want to make is that the committee, mainly because of the submission of the applicant or the counsel for the applicant or maybe even the member who is introducing the bill is very persuasive, this provision here relates to charitable institutions has been broadened to include just about every educational institution you can think of and is even in the area of nonprofit organizations. Nonprofit organizations still have sources of revenue and I think the government may become loaded with a lot of extraordinary costs.

As I said, in previous sections we were putting it to them with a big fee and now we are concerned about printing costs. I don't know. All I feel is that if we amend this section to allow for some remission of printing costs, it will get out of hand the same as the remission of fees has got out of hand. Just consider that.

11:10 a.m.

Mr. Robinson: Mr. Chairman, I still think there is room in that for there to be some discretionary power and if it is not in a fixed amount or not set or if it is only implied so that in the rare case where there may be some need for it it is available as a process to the committee. I don't suggest it in some of the

cases that have been raised; I do think in the Wallaceburg church situation the committee may in its wisdom at the time in the face of the facts might have taken a position favourable to the church.

Mr. McLean: What section are we dealing with?

Mr. Chairman: Section 65(b), second page. We are making great headway here.

Mr. Eichmanis: It should be pointed out that Mr. Robinson's point is an addition to that section.

Mr. Chairman: Right. He is talking about remitting printing costs.

Mr. Robinson: I am not saying that specifically. I am attempting to mildly broaden the discretionary consideration power under 65(d)--

Mr. Chairman: Of the committee, so that some standing committee that has three people sitting there, and they have called a quorum-- Okay, go ahead.

Mr. Charlton: The chairman has a very cynical approach.

Mr. Robinson: Was that an impartial comment, sir, about the quality of amendment I was recommending? I think it could stand to be broadened to the extent the committee might make a recommendation as it relates to the standing costs.

Mr. Chairman: Do you want to add a phrase after the words "under clause (b)"--something further? "The committee may also consider remitting part of the--" Do you want "all" or just "part"?

Mr. Robinson: I think just put "remitting" and don't specify.

Mr. Chairman: Oh.

Mr. Robinson: You say "whole" and you've got the whole thing; say nothing and you've got the whole thing.

Mr. Chairman: Why not say "part"? "The committee may consider remitting part of the printing--"

Mr. Robinson: Sir, with respect, "part" then begs what part?

Mr. Chairman: Fifty per cent.

Mr. Charlton: Any part.

Mr. Chairman: Twenty-five per cent.

Mr. Robinson: None. It is just a discretionary clause.

Mr. Chairman: That is right, it is permissive; it is not mandatory.

Mr. Robinson: Then why don't we just simply consider remitting any amount?

Mr. Chairman: Who is the--

Mr. Robinson: Do you want to call up a maximum, I don't mind?

Mr. Chairman: No.

Do you want to leave some discretion to the committee?

Mr. Robinson: I want to leave it in but I don't want us to get into the situation where everyone applies for it, nor do I want it to be as it is now, prohibitive against those who truly have a need. I wish--

Mr. Chairman: Okay, well something to the effect, "The committee may recommend remitting part or all of the printing costs of the charitable institution applying for a private bill," or something like that?

Mr. Robinson: Something like that.

Mr. McLean: Don't specify it.

Mr. Chairman: You don't want to go beyond "charitable," do you?

Mr. Robinson: No.

Mr. Watson: I don't think we want every charitable organization applying for it, and I don't know whether we can--

Mr. Chairman: But they will.

Mr. Charlton: I think we should say, "The committee may consider--"

Mr. Watson: Is it permissible to say "in extenuating circumstances"?

That is the spirit of what I am trying to get at. If you come up with some little charitable organization that finds out they have to reincorporate to clean a deed when some secretary did not file their letters of incorporation 10 years ago, you are going to feel sorry for it. I did. But that was extenuating circumstances. If another charitable organization wants to get its own charter, no way.

Mr. Chairman: Probably a lawyer--they should have used the solicitor's insurance.

Mr. Watson: George, I do not give very much credit to lawyers, but I know the lawyer who did the work for my little church did not charge them anything.

Mr. Chairman: That is good. He just forgot to apply, is that it? Maybe he is not even a parishioner, who knows, or whatever you call them?

Do you have some wording here we can use, a suggestion?

Mr. Robinson: Maybe his reward will come later.

Mr. Revell: "The committee may recommend the waiver of part or all of the costs of printing," under clause (b), and I guess we would need the same, "and if the recommendation is approved by the House, the costs shall not be charged."

Mr. Robinson: I think Mr. McLean makes a good point and that is the wording under extenuating circumstances. I think that needs to be there so that the people who are coming in to receive cessation from any sort of municipal taxation--

Mr. Chairman: We will put in the words "extenuating circumstances" and it is understood it applies strictly to charitable institutions.

Mr. Robinson: Oh yes, that is the clause.

Mr. Chairman: Right. What do we want to do with the current standing orders? Do you want to eliminate those, in 65(d) and (e) or just leave it the way it is? Certainly, the figure of \$150 has to be changed to \$500 in section (d). Boy, I never saw so much God-damned commotion over amending a little section. Have you got that? We have to change the \$150 to \$500 here, right?

Mr. Revell: No, that is the old one. This is all going.

Mr. Chairman: You are suggesting this be deleted?

Mr. Revell: Yes, the additional fees have not been used for at least five years. I cannot find any instance in the last 10 years where it has been used.

Mr. Chairman: Okay, 65(e); this is the same as proposed standing order 65(f), is that it? Is 65(e) as proposed agreed to? All right. 65(f): Is this clarifying it a little better than we had?

Mr. Watson: Could I go back to 65(e) a second?

Mr. Chairman: Yes.

Mr. Watson: You published weekly in the Ontario Gazette the standing orders respecting applications--does that mean you publish the applications that have come in?

Clerk of the Committee: He publishes each week at the present time what are now standing orders 65 to 80 in the Ontario Gazette.

Mr. Watson: Why do those kinds of regulations have to go into that publication every week?

Mr. Revell: I cannot answer that. That was in the standing orders before I arrived.

Mr. Watson: I think the implications of this--these are not the applications. I can see the Ontario Gazette reporting these are the private bills before the Legislature, something like that, but why on a weekly basis do we have to publish the rules under which private bills can come before the House when there are not that many and they are all going to come and get the detailed explanation anyway? Somebody tell me why that is in there.

Mr. Chairman: Is it the same thing every week or is it in respect to new private bills?

Mr. Charlton: No, it is the publishing of the standing orders; every week.

Mr. Rotenberg: Why do we publish standing orders in the Ontario Gazette when anybody who wants a private bill will come and ask the clerk and the lawyers, and every lawyer would know and it is in the Revised Statutes of Ontario and so on? I think that is left over probably from 1873 and nobody has changed it since.

Mr. Charlton: Not that late.

Mr. Revell: I am not responsible for that ever having gone into the standing orders in the first place.

Mr. Watson: But somebody recommended they stay there. I would like a good explanation of why they must stay there.

Mr. Revell: I have made no recommendation. I can say, in fact, with most private bill applications, I do not think the people are looking into the Ontario Gazette to get their information. They have normally got it through Mrs. Nokes in the clerk's office or through me or through the legal--if it is a municipality, they have gotten the information on how to go about it through Mr. Rotenberg's office.

Mr. Epp: I do not disagree with what Mr. Watson has recommended. I think we should get a fuller explanation of why it is in there. There may be a good explanation, I am not sure. Before we delete this--

Mr. Chairman: I think it is just for convenience.

11:20 a.m.

Mr. Rotenberg: There was a time, historically, when the Ontario Gazette was something that all lawyers and all people looked at. And there was a number of petitions to the parliament and this informed the population of how one petitions parliament for a private bill. There was a time perhaps 100 years ago when it was important, when the Ontario Gazette was something that people read.

I really question how many people read the Ontario Gazette in

1981, except a few lawyers. I do not think I have ever seen the Ontario Gazette, frankly.

Mr. Chairman: It comes out there. The only thing is I would suggest to you that anybody that is considering applying for a private bill might refer to the Ontario Gazette. It would be a current issue of the Ontario Gazette.

Mr. Rotenberg: In that case, the Ontario Gazette could print one line saying that petitioners who want a private bill shall apply to the Clerk of the Legislature.

Mr. Chairman: That is right. Apply for information to such and such.

Mr. Rotenberg: Just the one line on the standing orders. Take it out of our standing orders and whoever is in charge of the Ontario Gazette just indicate by printing one or two lines, for information on private bills.

Mr. Epp: I could not have said it better myself.

Mr. Chairman: We will delete section 65(e) and that there will be a notice will go in the Ontario Gazette each week that any information regarding the application for a private bill be sent to or be available, with some sort of an address, and maybe a phone number, something like that. Just a notice, that is all.

Mr. Rotenberg: So we will have two lines of type.

Mr. Chairman: We will save some printing costs there.

Mr. McLean: I agree but I also agree with Mr. Epp. I think we should find out the reason why it is there in the first place. We could say we will take it out, but then we may run into another section in the standing orders of why it is there. I think we should investigate why it is there.

Mr. Chairman: Is anybody aware of any section that requires that publication under 65(e)?

Mr. Revell: I cannot think of any. The standing orders with respect to private bills are really analogous to the rules of court, for example, and the rules of court--lawyers know where they are but, for example, a small claims court action, we do not publish the rules of the small claims court every week. Anybody who has ever used the small claims court, you go down to the clerk's office of the small claims court, and they are most helpful.

Many of them will help you fill out the proper forms, and they will give you a little detailed outline that tells you what you do next. In many ways, it is quite analogous. Most people--99.9 per cent of the people or higher--are represented by solicitors when they come for these private bill applications.

I would concur with the members that a short notice saying that private bills are governed by the standing orders of the House. If you wish to obtain a copy of the standing orders related

to private bills, please contact the clerk at box whatever it is in the legislative building and a copy can be mailed out.

Mr. McLean: Was it not covered under 65(f)?

Mr. Revell: 65(f) is notice of an application and it deals with the fact that you must advertise once a week for four weeks. If one of your constituents had a company that had been cancelled for failure to file annual returns, they would have to publish a notice once a week in the Ontario Gazette and in the local newspaper saying, "We are going to be applying to the Legislative Assembly for private legislation to revive our company," or whatever.

Mr. Chairman: We will take it out. Do we need a motion that this notice go in or can we just automatically do that?

Mr. Rivell: I would think that is an administrative matter within the clerk's office.

Mr. Epp: Mr. Chairman, we may not need a motion but I think there should be a recommendation here though rather than it be perceived that we just took it out without having some alternative.

Mr. Chairman: All in favour of that recommendation?
Agreed.

Mr. Watson: I am almost inclined to wonder what else is in the Ontario Gazette and might be to the--

Mr. Rotenberg: The Ontario Gazette is an agency of government in a way, is it not? Why do we not review it in our review of agencies, boards and commissions?

Mr. Revell: I think all of it comes under the Queen's Printer office under the Ministry of Government Services.

Mr. Rotenberg: That is something to put on your list of agencies to look at next summer.

Mr. Chairman: The only thing I think we should take out of there is that advertisement for La Scala every week that goes in.

Are there any comments on 65(f)? That is just a compilation of the current--

Mr. Revell: There is a (v) at the bottom. I want to draw their attention to it.

Mr. Chairman: Apparently that is a new subsection (v) stating that persons wishing to be heard by the standing committee considering the bill should notify the Clerk of the Legislative Assembly.

Mr. Revell: I would just make a comment on 65(f)(v). I consider this to be a substantial improvement in the standing

orders. The clerk's office often receives desperate phone calls about these things, "What do we do next?" By the time they have gotten to the clerk's office they have gone through a long song and dance to find out what the heck a private bill is about in terms of how they come to the committee.

The legislative counsels' office also gets these desperate calls from people: "I want to oppose the bill. What do I do next?" Often, they have been through three or four people before they have gotten to our office to find the final answer. If a private bill application notice had to state, if you are concerned, there might be some resolution of problems. The city of London people, for example, a few weeks ago, a very controversial private bill that is before the general government committee right now, were saying they did not receive notice and did not know what to do until the last dog was being hung or whatever.

If they have to state it up front right in the notice that any person that has a concern about this can contact the clerk's office, we have gotten rid of a lot of people's concerns.

Mr. Rotenberg: Good.

Mr. Chairman: Okay, 65(g); this proposal is new. There is the explanation note. Is (g) all right? Any comments?

Mr. Edighoffer: I am just thinking of the case of the St. Marys bill that was set aside by the committee. What if the council of St. Marys wanted that to stay until next year?

Mr. Revell: We have 65(h) that addresses that very problem, Mr. Edighoffer.

Mr. Chairman: Then (g) is carried. What about (h)?

Mr. Rotenberg: I am not all that fussy about it. That has been some private bill with amendment after September 1, this year, we have been able to deal with. It is one thing to say that applications after September 1 may not necessarily be dealt with in the calendar year, but to say they will not be dealt with is--time is in the hands of the Legislature.

I realize he can make a motion in the House saying notwithstanding the standing orders we can, but I think it is unnecessarily tying the hands of the Legislature. I think there should be something in our procedure which indicates that applications made after September 1 may not necessarily be dealt with in that year. There is no obligation to us. But it is turning to the other side that says we cannot deal with the bill. I think that is wrong.

Mr. Chairman: You have read the explanation note.

Mr. Rotenberg: If there is some urgency, but I do not think it should be the case if there is some urgency. I think it should be optional on whatever committee it is referred to. It should be optional on the House whether or not you deal with it. If

a bill comes in on September 15, why does it first have to come to the procedural affairs committee to decide if it is urgent, and then be referred on to whatever standing committee is going to deal with it? It simply should be left at "it may not."

Mr. Chairman: How about the application may not be considered?

Mr. Rotenberg: Yes. As I say, it may.

Mr. Epp: I would, in this instance, agree with Mr. Rotenberg. I do not see the need for this to be in there, to in some way hamper the House's activities because of this particular rule.

Mr. Chairman: How about the last day of October? You want to change that date?

Mr. Rotenberg: The point is, is there any obligation on the Legislature to deal with a bill within a certain period of time after a private bill is filed?

Mr. Revell: A lot of my concern with this--I am easy on whether 65(i) stays in or goes out. I have no great policy stake in it. It would certainly take some pressure off members if this was in there, but that is up to the members to decide whether or not they like the kinds of pressures that are sometimes brought in the last three weeks of December to get bills on there.

The standing orders that go before--the one dealing with advertising--65(g) and the new 65(h) go a long way and answer all of my concerns. What happened last year was a number of really desperate phone calls. We had a number of private bills die on the Order Paper or die in process and, technically, because the standing orders did not cover the situation, those people should have been forced to readvertise.

The members in their wisdom passed a motion at the opening of the new session last year reviving all those bills that died in the hopper and so my concerns on this point are answered by 65(g) and (h).

Mr. Rotenberg: You did not answer my specific question. Is there any obligation on the Legislature to deal with a bill within a certain period of time?

Mr. Revell: None whatsoever.

11:30 a.m.

Mr. Rotenberg: I frankly, Mr. Chairman, because we have section 65(h) in there, I think (i) should simply be deleted.

Mr. Chairman: Why wouldn't you change it on October 1?

Mr. Rotenberg: No. If a bill comes up, people know the system. If a bill comes in November 1, there may be a reason why we want to deal with it. I don't know.

Mr. Chairman: Look at the pressures that will exist to get that bill through if we don't have a cutoff date.

Mr. Epp: And pressures, Mr. Chairman, on the government to do the same thing too.

Mr. Rotenberg: The pressure is there, but that's what we are here for. I just can't see tying our hands and saying you cannot. The point is, the clerk's office and the legislative counsel are going to say, "Look, you know, if you come October 1, there is a chance you are not going to get on this year." That is a procedural matter and a matter of handling it. But I don't think it is necessary to be in the standing orders.

Mr. Chairman: So they will send their female law clerk down to see this gentleman and hover around his door for a month.

There has been a motion that section 65(i) be deleted.

Mr. McLean: Mr. Chairman, in the case of the Barrie-Innisfil annexation--

Mr. Rotenberg: That's not a private bill, that's a public bill.

Mr. McLean: Is there any way, and I sympathize we are using new guidelines--standing orders are sort of guidelines--saying that applications should be weeks before you open the session or something like that?

Mr. Revell: I think perhaps there is another way of dealing with the problem we have. We recommended deleting the provision that required publishing of the standing orders in the Gazette. That notice that is going to be substituted for it, saying that you can obtain copies of the standing orders from the clerk's office, can say--or this committee could recommend the clerk's notice in the Ontario Gazette recommends that private bill applications be in the hands of the Clerk of the Legislature by a certain date each year.

Mr. Chairman: For consideration each year.

Mr. Rotenberg: That I could go for. It is not mandatory, but just a notice to the public that if you are not in by September 1, you are not going to get it done this year. It can be worded in such a way that indicates that bills to be considered in the fall session should be in by September 1. Bills for the spring session should be in by March 1.

If that was in a little notice, then our hands aren't tied, but it is a notice to the public and takes the pressure off.

Mr. Chairman: Not in March.

Mr. Rotenberg: Whatever dates the clerk and the legislative counsel think. I agree that is a good idea to put that in the Gazette, if we can add that into a recommendation.

Mr. Watson: I think it is an administrative guideline, that I would like to see people get. That's what bothers me. Somebody comes along and says, "But nowhere is there any indication that said we should have had it in by September 1." I think there is some place in administrative guidelines that it should be there, but I also don't like those words "shall not be considered."

Mr. Chairman: Mr. Rotenberg has moved that section 65(i) be deleted with the recommendation that notice in the Gazette shall include reference to the dates.

Motion agreed to.

Mr. Chairman: I guess 66 is pretty well the same as it is now.

Mr. Revell: The only change is that 65(a) now becomes 66 by itself; 66(b) was, of course, moved back to 65(a), as part of the clarification of the application process.

Mr. Chairman: Any questions on 67? On 68? On 69?

Mr. Revell: The real change is the addition of the words, "all petitions and correspondence." At one time, of course, all private bills were done by petition and anybody who wanted to oppose a private bill, going way back into English antiquity, could only appear before the House by presenting a petition in opposition.

I don't think anybody who is sitting in this room has ever seen a petition in opposition. What we get, and the members receive them, are letters from people who oppose things.

Mr. Chairman: Seventy-one is just the same as the previous one. Any questions on 71? On 72? On 73? On 74?

Carried.

Will somebody move that the current 75(a) and (b) be deleted?

Clerk of the Committee: It is proposed that it be moved from part XI to part XIV under committees, so that it would apply to all committees of the House, committee of the whole House and standing committees.

Mr. Epp: So moved.

Mr. Chairman: Carried.

Any questions on 76? On 77? On 78? On 79?

All carried.

Gentlemen, the third item on your agenda is the question of privilege. You will see on the sheet in front of you the number of times questions of privilege have been raised in the Legislature--actually the time it has taken rather than the number of times; it is the time of the question period, points of order,

questions of privilege. I do not know if you feel those are extraordinary times or you have any comment.

Mr. Robinson: I do not know why, but it always seems to be that Thursday is the day for these things.

Mr. Chairman: That is probably because of ministerial statements.

The idea of having this in front of you is to give you some idea of the amount of time eaten up during question period by points of order and points of privilege. As you know, we have talked about considering having any questions of privilege raised after the question period. This will give you some idea, if we do change that, what the effect of the change would be. Are there any comments by any committee members?

Mr. Robinson: Smirle and I were just agreeing that indeed the Speaker did order a point of privilege to be considered after the question period within the last few days. I cannot recall what day it was specifically this week, but earlier in the week. He raised the point and left it to the discussion of the member whether or not the point could be raised following the question period rather than taking the time of the question period or extending it by that amount of time.

I think that may have been effective. I do not know if it had any bearing on the outcome of what the point of privilege may have been. Certainly we should encourage him to at least make the inquiry if we are not prepared to amend the standing orders.

11:40 a.m.

Mr. Watson: I found that very interesting because of the statement that should be raised at the proper time. I was surprised whoever raised it didn't ask when the proper time was and it didn't go any further. Maybe I have missed something but I know what you are referring to and I think the implication was to raise it after question period, but I sense that when we go to procedural affairs that will come up--when is the proper time.

Mr. Chairman: You have some proposed amendments in front of you to amend standing order 18.

Clerk of the Committee: The one concern that you might want to consider is at times Mr. Speaker will add on extra time to question period where there has been an inordinate amount of time used on questions of privilege and points of order. I think he did that the other day. He added 10 minutes on. In other instances, he doesn't. So time is lost. If there is a significant amount of time on questions of privilege, this reduces the amount of time available for questions.

Mr. Robinson: On this sheet, Mr. Chairman, I am either reading this incorrectly or perhaps there is a word missing. "A matter of privilege arising out of the routine proceedings"--does that mean outside of or during the course of?--"shall be taken into

consideration before the orders of the day." Again if I am not misinterpreting what's here, did we not agree that except for matters that arose during the routine proceedings would be dealt with at that time and only those as in (d) that arose at some other time would be called prior to the orders of the day?

Mr. Chairman: I don't think there was any decision on that.

Mr. Robinson: I don't believe, in fairness, that I understand what (c) says. Would somebody be good enough to elaborate on that?

Clerk of the Committee: If during the routine proceedings, during question period--

Mr. Robinson: That's what I thought you meant, yes.

Clerk of the Committee:--a question of privilege arises, it would be held in abeyance until just before the Speaker calls orders of the day and then the member would stand in his or her place and raise the question.

Mr. Watson: The other interpretation is there and--

Clerk of the Committee: If something is written about you in a newspaper and you wish to raise it in the House on a question of privilege, you would do it just before orders of the day are called rather than at the beginning of question period, like Mr. Shymko.

Mr. Robinson: I understand (d) and I think (d) is appropriate but I thought it had been the consensus, or at least the feeling of some members of this committee, that on (c) matters which arose during the course of the routine proceedings, that is the question period, would be considered at that time while the matter was at hand. In other words, I think specifically of when we get into--I was going to say the use of the word "liar" but that is really something beyond that again--if a member considers that a comment of another member has indeed breached his privilege because of that specific word or specific phrase and I think, going either way, that the member should have a right to rise on that and have that matter dealt with and either withdrawn or carried on or whatever at that time.

I don't think that's one that you can fairly set down and say: "Well, we will get back to the business of whether or not he called you a ne'er-do-well or whatever later on," because it really doesn't have the ability to transport it over that period of time.

Clerk of the Committee: The Speaker decided that that's not really a question of privilege, that's a point of order. So I guess it's for members to try to use the correct--

Mr. Robinson: With respect, Mr. Chairman, through you to the clerk, I don't think anybody by and large has--well, it is perhaps unfair as well--I think there may be a number of liberal interpretations--and that's with a small "l" for the benefit of the

members opposite--over what is a point of privilege and what is a point of order, but in fact it's a tool, it's a legislative tool, and if you have something to say, you are going to rise whether it's legitimate or not and you are going to have your say if only to be ruled out of order. I think it then becomes incumbent upon this committee to establish a mechanism where, recognizing that's going to happen, there is the least amount of disruption and the greatest amount of equity.

Mr. Charlton: I would agree with Mr. Robinson. My understanding was that the consensus I felt in this committee was that with questions of privilege arising from other matters or from outside the chamber altogether, the consensus was that those matters would be left over until after the question period but before the orders of the day, but with matters that arose out of the question period itself, those matters would be dealt with immediately.

Mr. Chairman: That a question of privilege would be dealt with immediately?

Mr. Watson: This section (c), if you read it in one context, is limiting and you can't put in that limiting factor. It says they shall be taken into consideration before the orders of the day. The implication of that could be taken that if you don't get up on your point of privilege before the orders of the day, you can't do it after and I don't think that's the intent.

Really what I think Mr. Charlton is suggesting or we are doing is that we are amending the routine proceedings to include a line which says points of privilege and you are going to have a time slotted on the routine proceedings for that, if there are any, just the same as you call motions. That's what you are trying to do, slot it in there.

Mr. Robinson: Mr. Chairman, if I could suggest that having done an informal survey in the last 30 seconds, indeed it was the intention of the committee that matters arising during the routine proceedings or during the question period may be dealt with at that time.

Mr. Chairman: No, I don't remember that at all. In my opinion the whole sum and substance and the reason for the amendment was that there were too many points of privilege during question period. That was the whole sum and substance of these proposed amendments.

Mr. Robinson: With respect--

Mr. Chairman: I can't see anything the matter with raising a point of privilege out of something in the Globe and Mail before question period.

Mr. Rotenberg: That's (d). Why is there a hassle about (d)?

Mr. Robinson: There is no hassle about (d). We accept (d). It is the interpretation or perhaps it is the wording of (c)

that causes some problems and what we had attempted to do with (c), sir, with respect, was to establish a rule whereby matters or questions of privilege that arose during the question period could be dealt with effectively at that time but others would be moved out.

Mr. Chairman: Will you tell me, Alan, when you would get a question of privilege during question period that didn't arise out of question period? Would somebody stand up during the middle of question period and say there is something in the Globe and Mail this morning I didn't like?

Mr. Robinson: Sure. They do it all the time.

Mr. Chairman: Baloney.

Mr. Rotenberg: Yes, somebody got up the other day and was waiting for the minister to come into the House (inaudible).

Mr. Chairman: You mean during question period?

Mr. Rotenberg: Yes.

Mr. Chairman: Wasn't it just a question?

Mr. Rotenberg: No, somebody got up during question period, in the middle of question period.

Mr. Chairman: I didn't think that was a problem.

Mr. Rotenberg: I agree. The way (c) is worded is not what we considered because the way (c) is worded that a matter arising during routine proceedings can be taken at whatever time the matter arises. If, during question period, a member of one party calls a member of another party a liar, the member can stand up right at that point on his point of privilege ask that it be withdrawn. You are not going to wait until 20 minutes later when question period is over.

Mr. Chairman: That is the way it is now.

Mr. Rotenberg: But (c) changes it.

Mr. Robinson: If we delete (c), Mr. Chairman, I think we have solved the problem.

Mr. Chairman: Why do we have these amendments here if we didn't agree to amend the procedure in some way?

Mr. Charlton: Because we now have points of privilege being raised prior to the question period as well and (d) will definitely change that.

Mr. Chairman: The only change is (d) then. Really we are not improving the hassle and the furor that takes place one hour every day by getting questions of privilege out of that hour. You don't want to do that which I thought was the discussion we were having all fall.

Mr. Rotenberg: What we were saying is that matters that arise out of the Globe and Mail are matters that arise out of things that happened outside the House should be taken up after question period, not before question period. That is what (d) says and that we agree on.

Mr. Charlton: Not during question period either.

Mr. Rotenberg: Pardon?

Mr. Charlton: As you pointed out, not during question period.

Mr. Rotenberg: Questions of privilege that arise out of matters which happen outside the House or before two o'clock that day can't be taken up until after routine proceedings.

Mr. Chairman: Can you name me five times when that has been done?

Mr. Rotenberg: Yes, everybody has got up at two o'clock on matters in the Globe and Mail.

Mr. Chairman: That's before question period.

Mr. Rotenberg: We are saying those matters have to come after question period. That is what (d) says.

Mr. Epp: (d) doesn't say that. With due respect, it doesn't say that.

Mr. Watson: It says it has to be taken up before the orders of the day. It can be taken up during routine proceedings, which is before the orders of the day.

Mr. Robinson: It should be amended then to say after routine proceedings and before the orders of the day.

Mr. Watson: I am going to object to this wording again because in that wording somebody can interpret that if you don't get your point of privilege in before orders of the day, you are left out.

Mr. Chairman: Why are you left out?

Mr. Watson: Because it says you shall raise them before the orders of the day.

Mr. Chairman: Right. What is the matter with that?

11:50 a.m.

Mr. Watson: What if I am outside the House when the orders of the day are called?

Mr. Chairman: If you are outside before question period, what is the situation?

Mr. Robinson: This is to deal with all the ultra vires points of privilege and so on.

Mr. Epp: I think this has to be redrafted. I think we can cover that point that it may be raised before then. It shall not be raised during regular proceedings but may be raised at any other time.

Mr. Robinson: It is matters arising out of prior sittings or in the interval, not dealing with matters at the moment. That is the distinction.

Mr. Watson: Mr. Chairman, can we accomplish what we are trying to do by amending the routine proceedings to include a section on points of privilege?

Mr. Robinson: That invites them in my opinion.

Mr. Watson: But that is what you want to do. You want to slot those points of privilege at a certain time during the proceedings.

Mr. Edighoffer: I sort of agree with Andy there. It would give all members equal opportunity. The minister can get up, under ministerial statements, and in other words state his point of privilege, right? He really can. He has that opportunity to clarify anything that was set out in the newspaper. So to me, I would think the ideal time would be to slot that in routine proceedings between ministerial statements and question period. Then you would get away from members jumping up during question period.

Mr. Epp: That is a good point.

Mr. Chairman: I have never seen anything the matter with raising a point of privilege before question period. The problem has always been that during question period it breaks down by too many points of order and points of privilege. But apparently, what we have here won't cure that unless you leave (c) alone.

Mr. Rotenberg: Before we get into the wording we should reflect on really what we are trying to do. The more I think about it, I am coming to the conclusion that maybe we should not be doing anything. I would not like to see--on the standing orders of the day that we have first statements and then question period and the Speaker stands up and says, in effect: "Does anybody have a matter of privilege to raise?"

First of all, I think we all agree that if something arises at the moment during question period that a person can stand up on a question of privilege on a matter that happened right at the moment. In other words if someone calls you a liar, that sort of thing, that should be raised right away.

The problem with trying to slot points of privilege--I have seen from time to time a member will get up when the relevant ministers in the House or vice versa and raise the point of privilege. If you say these points of privilege have to be at the end of routine proceedings, which is what some of us had thought

about rather than at the beginning of routine proceedings, before question period, you find that a lot of ministers and members get up and leave during the last five or 10 minutes of question period.

If the points of privilege were raised then, then the next day the person whose privilege was abused has to raise the point and get into another hassle rather than having it dealt with on the spot. I think it is a little difficult to try to get a specific time for a privilege. What we decided, as I recollect the last time we talked about this, was that we would sort of all informally monitor points of procedure--I guess we have not done it as we have said we would--

Mr. Chairman: We have. Do you see this sheet?

Mr. Rotenberg: It is really being abused. The more I think about it, the more reluctantly I have to come to the conclusion that under parliamentary procedure and precedent a member can raise a point of privilege at any time. That is really the parliamentary precedent, as I understand it, going back for many years.

I am reluctantly coming to the conclusion that I do not think we can change that in any way. The members say, "Look, it is our House and we are running it." There are 125 members. If we make fools of ourselves as a collective group, then we make fools of ourselves collectively, but I am very reluctant to take away from any member the right at any time to stand up on a point of personal privilege.

Mr. Chairman: The trouble is that 50 per cent to 60 per cent of the time it is not a point of privilege.

Mr. Rotenberg: That, I agree with. Maybe the Speaker should start clamping down hard, as he has been doing, because people do raise points at any time. If they want to make an argument, they get up on a point of privilege. The Speaker is starting to stomp on people and interrupting in mid-sentence, which I think is good.

I think maybe we should formally or informally encourage the Speaker to do that. Maybe each of us should be encouraging our caucuses to not raise phoney points of privilege. Having said all that and knowing all the problems, how can we say to a member of this Legislature, "You cannot rise on a point of privilege when you feel the point of privilege is there."

Mr. Robinson: We can rise on the point but it may not be considered right then. That is what it comes down to.

Mr. Epp: Mr. Chairman, what is the practice in Great Britain, Ottawa and so forth? When you raise a point of privilege do you have to give notice to the chair or something of that nature? What happens is, as has been described, when somebody gets up on a point of privilege and when they are halfway through trying to explain it, the speaker suddenly says it is not a point of privilege, he is not going to hear you, or whatever, which is fair ball, but why do we have to waste the first part?

Is there any problem involved in trying to get the person to send a note to the Speaker to explain what the problem is and then get the Speaker to agree or disagree with it on an informal basis, whether he is going to have the right to make that point of privilege? The other problem is the Speaker is busy running the House and if he has to read these notes and everything, he may not be able to deal with all those things.

Mr. Rotenberg: What happens if a member disagrees with the Speaker and wants to raise the point of privilege anyway?

Mr. Epp: I don't know. I am just throwing it out for consideration.

Mr Rotenberg: I know. It is a tough situation.

Mr. Chairman: The point Andy has raised and I think you agree with him, is immediately after prayers and before the orders of the day, before question period is sort of the hiatus of the day. Members, particularly ministers, are coming to their seats and there is much more attention at that point in considering a legitimate point of privilege. Yesterday was a good example of that.

Whereas, if you do it after question period or routine proceedings when there is a lot of shuffling going on, ministers may have left either during question period or immediately after and I agree the atmosphere of the House at that point is not too conducive to thorough consideration of a point of privilege. I can't help but agree that in practical terms that is what happens.

Mr. Watson: I would really like to find some way of compromise here to really legitimize what the Speaker did yesterday. Maybe the matter was reconsidered, but if it is a matter that really isn't earth shattering, you want to stand up on a point of privilege and you really want the thing recorded in Hansard, you stood up and objected that your privilege had been abused and that is the end of it, you are not interested in the TV cameras or that kind of thing.

The Speaker directed that it was the kind of thing that should come before the orders of the day. I don't think it came back, but it didn't deal with what we were dealing with at the moment, it was outside and should come up--I think the expression was, "at the proper time." I keep going back to that because it hit me. When is the proper time going to be? We had discussed that the proper time would be before the orders of the day, but there is no formal way of doing that.

Is there a mechanism that we can put into the standing orders that the Speaker may direct that points of order not apropos to the discussion be raised before the orders of the day? Is there any way we can give him discretion to say, "I will hear your point later"? I realize you have to listen to a lot of points to know what they are, but is there something we can put in the standing orders that will give the Speaker the discretion to say, "That is really not part of question period; it is something I am prepared to hear later"?

Mr. Chairman: Section 18(b) as it reads now: "Whenever a matter of privilege arises it shall be taken into consideration immediately." So we will have to amend that section and add words, "or at the discretion of the Speaker," or "at the Speaker's discretion"?

Mr. Robinson: What happens when a member rises on a point of privilege and the Speaker doesn't find their way? I can just see it all now. Where is Mancini? That would be typical for him.

Mr. Chairman: Or he can put some ground rules on it. He can put some ground rules in the amendment.

Mr. Robinson: I withdraw that, Mr. Chairman.

Mr. Chairman: Or if the Speaker considers the point of privilege not germane to that in some way--I don't know what the wording would be--he may direct that it be considered at a later time, or something like that.

12 noon

Mr. Rotenberg: Are we going to meet next week?

Mr. Chairman: I don't know. It depends on what we have to do.

Mr. Rotenberg: I keep coming to the conclusion that it is very difficult to write anything in the rules that is going to be fair to the members. I wonder if we might ask the Speaker to come in and give his feeling about how to run this privilege thing, if we are going to meet next week. Or maybe somebody could chat informally with him.

All the points that have been raised about how points of privilege interrupt the normal flow of the House, and one member is holding about 124, are correct, and about things being at the improper time and improper points. I agree with everything that has been said. Yet, I am very reluctant to take away the rights when a member has a legitimate point of privilege to raise at a legitimate time. I would rather err on that side and have the problems than err on the other side and take away the legitimate points. I have not heard a compromise yet that satisfied me, Mr. Chairman.

Mr. Charlton: Mr. Chairman, I am, like Mr. Rotenberg, reluctant to limit the rights of members to raise points of privilege. I think it might be useful if we have the Speaker in here next Thursday, or when next we sit, and have a chat with him about that whole process.

Mr. Chairman: An awful lot depends on him recognizing whether a point of privilege is legitimate or not.

Mr. Robinson: Mr. Chairman, could I make a suggestion? We are not going to make any practical amendment that is going to change the status between now and the eighteenth, or whatever, of December. Would it not be more appropriate in the long term, when we are dealing with the other standing orders, that we include the

discussion of the points of privilege with the Speaker at that time? Might that not be more practical than trying to do it next week?

Mr. Chairman: You mean ask him to come in February?

Mr. Robinson: No, I just do not see the necessity. He will be busy next Thursday. The House will be in session, and as we are not likely to be able to do anything with it in the interim in any event, we can either solicit his comments in writing to be brought back when we consider all the standing orders or we invite him to come in at that point.

Mr. Chairman: What we should do is get some Labour member in the British House of Commons to raise a point of privilege and see what the result would be.

Mr. Rotenberg: In the light of what Mr. Robinson said, I would suggest this matter be tabled and at an appropriate time the chairman invite the Speaker to discuss this matter further with us.

Mr. Chairman: All in favour?

Carried.

Gentlemen, there are a number of matters we should consider in the review of the standing orders we have been doing. Has everybody got this list? Everybody has a list in front of him.

We have talked about private bills. We have talked about estimates. On the question of privilege, we talked about that this morning. I do not know if we discussed ministerial statements replied to by critics as yet, but we should. There is the adjournment time for committees. Then there is the question of when a committee may commence its meeting after routine proceedings or after orders of the day are called. This is in respect to a situation that happened in the administration of justice committee when, if you recall, we had an emergency debate on December 3. At that time, Mr. Renwick was a member of the committee on the administration of justice and he wanted to take part in the emergency debate. He queried whether the committee should be meeting at the same time the emergency debate was taking place in the House.

Standing orders do not seem to deal with this point. The administration of justice committee, therefore, referred it to us with the idea of clarifying the point and, if necessary, proposing an amendment to the standing orders that would prohibit any standing committee from meeting during the time of an emergency debate. I guess it is a question of whether committees meet after routine proceedings and before the orders of the day. The suggestion is they meet after the orders of the day are called and, as you know, the emergency debate always takes place before the orders of the day.

Mr. Rotenberg: I can see the point Mr. Renwick was making. However, there are all sorts of other things that happen in

the House. There are private members' bills that people want to participate in. There are all sorts of things that people want to participate in now. It would seem to me that, until the business of the House has been decided--let me put it that way--and the orders of the day are called, then the committee should not meet. In other words, people should not have to come out while there are motions or bills on the floor, and they are not until after question period.

If someone gets up and moves that the orders of the day be set aside for an emergency debate, you have those three five-minute speeches and perhaps a vote. That period of time is still routine proceedings, but once the House has decided we are going to have the emergency debate and that is the business for the rest of the afternoon, I think at that time the committee should be entitled to meet. It is the same as getting into a bill, or private member's motion, or whatever.

Mr. Chairman: No, it is after orders of the day, I think.

Mr. Rotenberg: It is not after orders of the day. In effect, orders of the day are not called but the debate replaces orders of the day. That is the business for the rest of the afternoon. The only other alternative is to cancel the committee meeting that afternoon.

Let's face it, an emergency debate usually interests maybe five, six or seven members of the Legislature. I cannot see cancelling a committee meeting for the whole afternoon for an emergency debate. I can see holding up a committee until the Legislature decides what the business will be for the day.

In fact, I would like to make an amendment saying the committee meets after the orders of the day are called or, in the case of an emergency debate, after the Legislature decides to hold the emergency debate, or whether the debate shall proceed. In other words, the committee cannot start during the 15 minutes of three five-minute speeches. They are part of the routine proceedings. But once the decision is made--technically it is not the orders of the day, but that should be considered for this purpose as if it is orders for the day.

Mr. Charlton: I would like to make a few comments on that, because it does provide some problems. I understand where Mr. Rotenberg is going with that, but with some exceptions generally, the business the House intends to address under orders of the day is known in advance and, therefore, if a member on the justice committee, or any other committee, feels it necessary to be in the House to address that business that is going on in the House he has the opportunity in advance to arrange for a replacement, et cetera. That is all a legitimate part of the process. In the case of an emergency debate, a member who wishes to participate in the debate is left with virtually no time to arrange for a replacement in his or her respective committee. That is a problem in terms of how this place operates.

Mr. Rotenberg: Except you have notice by noon of an emergency debate.

Mr. Charlton: You have notice that there is a motion for an emergency debate, but you do not know until after the three speeches and any vote in the House whether it is going to occur or not. I see that as a problem, more a problem for opposition members than for government members perhaps, but I think it's a problem for all sides and especially for back-bench members.

Mr. Robinson: I do not disagree with what Mr. Charlton says. He does have a point. But I think, in fairness, that the whole operation of a committee cannot be suspended for an entire sitting period--I do not mean it in a uncharitable way--in order to accommodate the priorities of a member who has decided his priority for the afternoon is not to be in committee. Because his priority for the afternoon is to speak in the emergency debate, 12 other members have to accommodate his priority and the business of the committee is thereby suspended .

I would like to think there was some little ground for that, but I think the point Mr. Rotenberg makes is valid. By all means, until we know for sure, a committee should not try to sit when members are in and out and there is no clear direction at that time. But I think once the House makes the determination that the debate will now proceed or not proceed, then the committee should commence, as on every other day, its regular work.

12:10 p.m.

Mr. Chairman: I think the point though is that it is not a question of accommodating a committee member. I think it is the idea and the principle as to whether an emergency debate, supposedly of urgent public importance, should in any way be interfered with or inhibited because of the holding of standing committee meetings during that afternoon.

I realize with many emergency debates it is difficult to even get a quorum in the Legislature, but the point being made here, and that was made at the administration of justice committee, is that it is supposed to be a special time in the Legislature, something that has arisen that day because of some matter of urgent public importance, and, therefore, everybody should be free to attend the Legislature during that period and not be required to attend a committee hearing, particularly if that person wishes to take part in the debate. I think that is the point.

You have your three speeches in support of the motion and then if the House carries the motion, there is no lessening of the importance of that debate. I think it becomes even more important to really take part in the debate. That to me is the point. I don't think it is a question of accommodating the members at all.

Mr. Robinson: Mr. Chairman, could I enter into discussion with you on that point? All that is true and all that is fair, except that if one member of a standing committee wishes to participate in the debate in the House, the other 12 members do not have an opportunity in a freehold sort of way to jump up and participate in the debate themselves.

Regardless of the overall philosophical priority of an emergency debate, from a practical standpoint, 12 other members of a standing committee may not have a particular interest in the topic--and I do not want to explore that--and they may not have any opportunity to participate in the debate. If they do not have any opportunity, surely their time could be better spent, rather than sitting idly by while the debate goes on for two and a half hours, doing other work of the Legislature in committee.

Mr. Chairman: I do not think we should decide this today. I think this is a matter for consideration during review of the standing orders that you propose to consider during February at some meetings of the committee at that time.

Mr. Watson: Mr. Chairman, could I get my two cents' worth in on this?

Mr. Charlton: We will even allow you four cents.

Mr. Watson: I would like to support Mr. Rotenberg, because I think, if the committee is allowed to meet, the problem will take care of itself if a sufficient number on that committee want to be at the emergency debate. It might exemplify itself in the lack of a quorum so the committee does not start or the members could agree to disband themselves or to adjourn because of it.

I think the problem may take care of itself, and I would like to support the principle here that the rest of the people should not--the committees are set to be staffed, it is not just the members who need to be here.

Mr. Chairman: Anyone in the Liberal caucus have any comment on this? There is no question that, where the government party has a majority of members, this is not a problem for us in the government party. I can see where it is a problem for the other two parties, particularly the NDP.

Mr. Edighoffer: Personally, I do not see any problem with considering once the decision is made by the House that the debate go forward. I do not have any problem with considering that the same as the orders of the day taking place, because the standing orders say a member can only speak for 10 minutes, so that it is certainly not going to take up much of his time and then he can come back here.

Mr. Chairman: When you get a man like Renwick who likes to deal with the comments of the previous speaker, which is the true form of debate, not somebody reading a speech for five minutes--

Mr. Robinson: If I could wrap it up, I simply wanted to say that if a member of a caucus intends to participate in the debate, if the debate goes forward, could he not arrange a substitute on committee if that is his wish, and then if the debate does not proceed, the need for the substitution on a regular sitting day is really not necessary and it simply carries on as it would normally? Does that not seem reasonable rather than stopping the committee?

Mr. McLean: That is what the chairman said.

Mr. Robinson: No, he said the opposite. He said you then have a problem of arranging, cancelling and so on.

Mr. Chairman: You can correct me, Mr. Charlton, but I think the problem arises when there are certain active members of Legislature who have an interest in not only what is going on in committee and want to make some comment there, but also want to take part in debate.

Mr. Charlton: I agree with the chairman. There is also the point that the chairman raised, which is a very good point, that when we are doing the normal laid-out business of the House, then each member participates where he or she sees fit. If the choice is in the House, then you arrange a substitution in your committee, et cetera.

On the point the chairman raises about matters of urgent public importance, it seems to me that we should be paying more attention to those debates in the House. Many people may think that a particular emergency debate is frivolous. If you recall, there was a motion for an emergency debate a couple of weeks ago about particular matters and the chairman ruled that there was no need for an emergency debate because those matters were going to be dealt with in the estimates which were almost immediately following.

Interjection.

Mr. Charlton: It seems to me that we do not very often have emergency debates, even if the topic does not excessively interest every member of the Legislature, that are not of particular importance to this province. It is particularly useful if we can get as many members involved, if not participating in the debate, at least listening to it.

On the other point the chairman makes about participation in a debate, it seems to me that it is just not full and adequate to go off to a little cubicle somewhere and prepare your 10 minutes' worth of remarks, go into the House, make your remarks and then leave. The realities of debating should be, again as the chairman has suggested and as a number of members who participate in the debate do, to listen to the comments of other members and comment on their perspective over and against the other perspectives that are being expressed. You have to be there to really debate. You cannot just walk into the House, do your 10 minutes and leave and expect to have fully participated in the debate.

Mr. Robinson: I have to say to you that it depends from which side of the House you view the emergency debate, whether you view it from the government side or from the opposition side. I think it is fair to say by way of perception, at least my own personal perception, that an emergency debate is simply by and large an extension of the question period and an opportunity for the opposition to draw what they perceive to be the inadequacies of the government in any particular area again to the floor of the Legislature.

Mr. Charlton: That is true in some cases.

Mr. Robinson: We are not going to agree, and that is fair enough. How you choose to participate in the debate and how you perceive your involvement in the debate, either individually or collectively, I think it is fair to say that it is probably the opposite of how we view it.

Mr. Edighoffer: But the standing order says any member. It doesn't say any member of the opposition.

Mr. Robinson: I am just saying that the emphasis you place on it, I can see as being legitimate from your side. I hope you see that from our side our involvement may not be quite as intense or quite as eager.

Mr. Charlton: In the four years I have been here, I can think of occasions when we had emergency debates when the government was as interested in having that emergency debate as the opposition was because it had points to make. It is probably true that it is a two-to-one or a three-to-one kind of thing, but I have seen many occasions when the government was fully anxious to have that emergency debate and make its points as well.

I understand the point you are making. The reality of the other point the chairman raised is that in a majority situation, such as we have now, by taking the route you are suggesting, where the remainder of the committee decides whether it is appropriate to continue the committee's business or not, you have a majority on all of the committees and you may have a situation where all those committees decide to proceed and there is an inability on somebody's part to participate in what might be a very important stage of that committee's deliberations.

12:20 p.m.

Mr. Watson: Mr. Chairman, I think we have an excellent example here this morning and it is a matter of what is important. You perceive something to be of urgent and public importance in emergency debate. The government happens to think that legislation is of urgent and public importance. Rotenberg is running back and forth because he has to be in the House. Following your argument, we should not be meeting because that to the people of Ontario is as important as an emergency debate.

Mr. Charlton: There are no substitutions on this committee. One of the reasons this committee normally sits outside of the regular House hours is because there are no substitutions on this committee.

Mr. Watson: Can I go back on that again? I thought we had substitutions on this committee.

Mr. Charlton: We never have had before.

Interjection: We nearly had Stuart Smith one morning.

Mr. Watson: We had Mancini. I understood he has been substituting.

Mr. Charlton: Theoretically there are no substitutions allowed on the procedural affairs committee, in terms of voting. Any member can come in and address this committee, but in terms of voting there are no substitutions on the procedural affairs committee. That is one of the reasons this committee normally sits outside of the hours of the House.

We are sitting while the House is sitting this morning because of business problems. This is a specific situation in this committee that has been very carefully scheduled so that members can be here because there are no substitutions.

Mr. Epp: I will try to be brief. I really believe, Mr. Chairman, that we should do--and I understand you have suggested that we not make a decision today--

Mr. Chairman: No, I do not think we can. If there is really no consensus for change we really do not have to make a decision this morning.

Mr. Epp: My own position would be as long as we have routine proceedings and the debate about a special debate would come under routine proceedings, then committees should not sit. Once the determination has been made by the Speaker, once he has ruled on whether we should or should not, then the committees could proceed to sit.

Mr. Chairman: You are agreeing with Mr. Robinson.

Mr. Epp: I agree with Mr. Robinson completely on that. I think if there are any major problems after that, as I think Mr. Watson described earlier, then obviously the members would not be here. Any Liberal members might not be here, any NDP members might not be here. There might not be any Conservative members and that would resolve that problem, because you would not have a quorum and as a result you could not proceed.

I think on that basis, I would like to see the standing orders amended so that the committees would not sit until that resolution was determined.

Mr. Chairman: Is there support for that? All in favour?

All opposed?

Agreed.

Then that deals with the question of item 6. That calls for an amendment to the standing orders. We will leave it up to staff to recommend it be amended. That would be part of the recommendation of our review of the standing orders. The other nine items we can deal with in February. You have a notice of them now. You can consider those in your own minds over the next few months, particularly if we learn anything at Westminster.

Another thing I would like to do, since we dealt with the item of private bills, I would like to have a recommendation that we report to the House on our discussions and recommendations this morning. In other words, we go ahead during the current session of the Legislature and report on our deliberations in respect to item 1.

Mr. Rotenberg: Just on item 1?

Mr. Chairman: Yes, we have not really considered the others. Do we want to deal with item six now? Do you want to include item 6?

Mr. Robinson: Just on that part of 6, there really might be merit over the next 10 days or so in having that in the House as a guideline, just to stop the confusion over it. I always have problems on Thursday afternoons with members' services with people not knowing if we are on, off, now, later, when. At least this would alleviate that problem.

Mr. Chairman: We will put in a separate report there on item 6 as well as item 1.

Mr. Rotenberg: Mr. Chairman, may I suggest the report be circulated to the committee before it is put in, just so we can see the wording they come up with. I think there is agreement with what I think we are doing, but--

Mr. Chairman: That is on item 6?

Mr. Rotenberg: That is on item 6. But I think we should all see the wording before you submit the report.

Mr. Robinson: David, with respect, you were out of the room when we hammered this out.

Mr. Rotenberg: I know.

Mr. Robinson: What we are dealing with on item 6 is that standing committees--

Mr. Rotenberg: I understand what you are doing, but all I am saying is we have not seen it in writing.

Mr. Chairman: David, it is not very confusing. All we are doing is saying that while the debate on whether or not the debate shall be heard--

Mr. Rotenberg: Mr. Chairman, I understand that and I think we are all in agreement. But when we are doing standing orders we have not seen in writing what the actual wording is going to be. Now, all I am saying is just circulate it and unless somebody objects, as this goes forward, just give us a day ahead of time to have a look at it in case someone does not like the wording.

Mr. Robinson: What is the point?

Mr. Chairman: There is no problem in doing that Alan. It just means the staff has to have it ready a little bit beforehand for us, before it is given to the House leader.

Mr. Robinson: We don't have to have a meeting.

Mr. Rotenberg: No, no meeting. Just have a look at it in case someone does not like the wording.

Mr. Robinson: Fine.

Mr. Chairman: Another thing that will be done gentlemen that has not been finalized by staff, is a supplementary budget of around \$10,000, particularly if we are going to have meetings in January and February. That budget is not quite refined as yet, but it will be circulated to the members, hopefully this week. If there are any objections, please make them known to Mr. Forsyth before he proceeds to the Board of Internal Economy.

The only other item I would like to raise is to deal with the east lounge. I do not know if all members are interested in this, but I have had a number of complaints, from persons, I suppose, who know I am chairman of this committee, regarding the number of people who inhabit the east lounge, particularly before and during question period. It is bedlam, it is a madhouse, as you all know.

Mr. Rotenberg: Mr. Chairman, that is under the jurisdiction of the government, not under the jurisdiction of the Legislature. So I think it is not for this committee. I think it is a matter for the--

Mr. Chairman: Did you feel that we have any recommendation that could be made?

Mr. Rotenberg: Not from this committee. I think that is something that should be taken up with our party caucus.

Mr. McLean: Mr. Chairman, that comes under the jurisdiction of the Speaker in my estimation. I see nothing wrong in the recommendation going to the Speaker on this certain item.

Mr. Chairman: Neither do I, frankly.

Mr. McLean: It has to come from some place. I am telling you I am really discouraged at what I see taking place there. So I think a recommendation has to go to somebody.

Mr. Chairman: Is it the wish of the committee that we should make a recommendation to the Speaker on that point?

Mr. Rotenberg: This committee has no jurisdiction with respect, Mr. Chairman. I would bring it up in caucus. I have also complained to the whip about it and others have too.

Mr. Chairman: That would actually be your committee would it not Alan?

Mr. Robinson: Well no, even mine is all party. It is an internal matter. But it should be pursued with vigour, nonetheless.

Mr. Rotenberg: Are we meeting next week?

Mr. Chairman: No, there is no need to meet next week. Any other items anybody wants to raise at this point?

The committee adjourned at 12:28 p.m.

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